| **Comment #** | **Public Comments** | **USCIS Response** |
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| **Comment 002** | **Commenter: Jean Publieee** |  |
| **2/19/2019** | every dept in the us govt should have a tip form where members of the public can report the corrption going on in each dewpt and each dept should investigate every single tip, becausee the corruption level of our federal govt is through the roof. the publics needs are treated with disrespect in every single aspect. nothing the general public wants is every achieved. thisw govt works only for rich white men and their corporations. nobody else. we need tips and we need to throw out of govt every corrupt employee. and the govt should be focused on making sure regulations are observed. for us to have laws and then to have millions of foreigners invading our country and disrespecting our laws like illegal immigrant do is totally unacceptable. we have endless followers now who are disrespecting every law we have since they see that illegal immigrant leaches can do that. ouir govt is a mess right now. we are turning into a lawless society. america is going down the drain every single day. no honesty. no fairness. no respcect for american citizens who seem to be regarded simply as taxable forms, who can be taxed to the hilt to pay for whatever the corrupt politicians want to pay for. certainly noneo of the leegislatorsin congress these days are protecting american citizens from the millions of hordes of illegal immigarnt exploioters who come here and are lawless individuals. they dont follow any laws. they come here knowing they are lawless. for example, if it is found that trumps golf course hired illegal immigrants, fine those illegal immigarnts and fine the people who hired them and put them in jail as they should be. and fire the landscapers and the restaruarants and the agribusiness farmers who are also hiring illegal immigrants in great numbers. they are part of this mess. and the construction laborers. they stand around at stevess market in flemington every morning to get work. they have been reported. immigration does nothing. | **Response:**  This comment does not address changes to the information collection. |
| **Comment 004** | **Commenter: Catherine Picker** |  |
| **2/20/2019** | *The proposed form has not been posted to the docket so there's no constructive way to comment.”* | **Response:**  A draft of the proposed form was posted to the docket when the notice published. |
| **Comment 007** | **Commenter: Anonymous** |  |
| **2/21/2019** | Members of the public can already report suspected immigration fraud to USCIS in a number of ways, including to the National Customer Service Center by phone and by e-mail. This web form will only make it easier for people to make abusive false reports. I'd suggest that USCIS use its substantial resources to improve its ballooning application processing times instead. | **Response:**  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. . The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system. Thus eliminating the need for manual entry and saving time. |
| **Comment 006** | **Commenter: Seth Sanders** |  |
| **2/21/2019** | This looks like an incentive to perjury and revenge-based "informing." It seems like it would create lots of extra paperwork and court work with very little dividend. | **Response:**  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system. Thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 005** | **Commenter: Adam Greenberg** |  |
| **2/21/2019** | USCIS seeks here to provide a method of submission for information that is unsolicited and not necessarily related to any pending matter before it which is an impermissible recombination of the functions of USCIS and ICE. The proposed collection is, therefore, inappropriate. USCIS is not a law enforcement agency but an adjudicatory one, and this proposed collection, along with USCIS' other avenues for the administration's pet project of alleging ubiquitous fraud, exceeds the scope of the agency's mission.   The form does not provide any particular instruction on immigration law and will most often be used by those without the sophisticated knowledge required to differentiate fraud from non-fraud and by those unfamiliar with any pending proceeding by the person(s) reported. At best it will be used primarily as a vehicle to harass immigrants and suspected immigrants (whether intentionally or negligently alleged by the submission). Moreover there is no direction on what information is or might be useful to USCIS and the information collected will necessarily be inconsistent and unreliable.  Given USCIS' further mandate to protect domestic violence victims who have applied for benefits under the Violence Against Women Act, the lack of safeguards in the process to prevent submission of abusive information is appalling. USCIS has attached no direction that only truthful information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws, which would dramatically increase reliability of the submitted information and reduce the incidence of the form being used as a weapon against any immigrant with whom the submitting party is in conflict, particularly domestic violence victims.  Finally, as a technical note, because it was published as a static pdf, the published proposed collection does not indicate what options are available under the dropbox "select the violation" and it is therefore impossible to comment on these within the scope of this comment. USCIS should consider publishing instead the source code for the electronic form or other indication of all available form options and extend the comment period as appropriate to address any fault that might be contained therein. | **Response:**    The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017).  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  Please review www.regulations.gov docket USCIS-2019-0001 for supporting documents of this information collection. One of the supporting documents indicates what options are available under the dropbox “select the violation” |
| **Comment 012** | **Commenter: Shara Svendsen** |  |
| **03/21/19** | There are multiple concerns with this proposal. First, the proposed collection is inappropriate as it entails an impermissible recombination of the functions of USCIS and ICE. USCIS seeks here to provide a method of submission for information that is unsolicited and not necessarily related to any pending matter before it. USCIS is not a law enforcement agency but an adjudicatory one, and this proposed collection, along with USCIS' other avenues for the administration's pet project of alleging ubiquitous fraud, exceeds the scope of the agency's mission.  Second, the form is unlikely to promote any USCIS agenda. The form lacks any particular instruction on immigration law. It is probable that those who use the form will not possess the sophisticated knowledge required to differentiate fraud from non-fraud and will be unfamiliar with any pending proceeding by the person(s) reported. At best, the form will be used primarily as a vehicle to harass immigrants and suspected immigrants (whether intentionally or negligently alleged by the submission). Moreover, the proposal provides no direction on what information is or might be useful to USCIS. The information collected will necessarily be inconsistent and unreliable.  Third, the lack of safeguards for domestic violence victims in the form collection process is unnerving and plain wrong. USCIS is mandated to protect domestic violence victims who have applied for benefits under the Violence Against Women Act, and this process provides no protection to those applicants. The proposed form includes no direction that only truthful information should be submitted nor provides a notice that a submission to this government system is subject to perjury laws, which would dramatically increase reliability of the submitted information and reduce the incidence of the form being used as a weapon against any immigrant with whom the submitting party is in conflict, particularly domestic violence victims.  Finally, as a technical note, because of the format in which the proposal is published, reviewers are unable to comment on the full scope of the proposed form. For example,the published proposed collection does not indicate what options are available under the dropbox "select the violation" . USCIS should consider publishing an explanation of all available form options and extend the comment period as appropriate to address any fault that might be contained therein. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements.  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017).  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| **Comment 010** | **Commenter: Ann Block** | **Completed** |
| **05/21/19** | I completely agree with another of the comments posted, and will restate by pasting some of it here with my own edits: USCIS seeks here to provide a method of submission for information that is unsolicited and not necessarily related to any pending matter before it which is an impermissible recombination of the functions of USCIS and ICE. The proposed collection is, therefore, inappropriate. USCIS is not a law enforcement agency but an adjudicatory one, and this proposed collection, along with USCIS' other avenues for the administration's pet project of alleging ubiquitous fraud, exceeds the scope of the agency's mission. In addition, adjudicatory time has gotten slower and slower, causing many hardships to those relying on the agency's decisions. This additional collection of information is a time sink and instead resources should be added to proper adjudications.  The form does not provide any particular instruction on immigration law and will most often be used by those without the sophisticated knowledge required to differentiate fraud from non-fraud and by those unfamiliar with any pending proceeding by the person(s) reported. At best it will be used primarily as a vehicle to harass immigrants and suspected immigrants (whether intentionally or negligently alleged by the submission). Moreover there is no direction on what information is or might be useful to USCIS and the information collected will necessarily be inconsistent and unreliable.  Given USCIS' further mandate to protect domestic violence victims who have applied for benefits under the Violence Against Women Act, the lack of safeguards in the process to prevent submission of abusive information is appalling. USCIS has attached no direction that only truthful information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws, which would dramatically increase reliability of the submitted information and reduce the incidence of the form being used as a weapon against any immigrant with whom the submitting party is in conflict, particularly domestic violence victims.  Finally, as a technical note, because it was published as a static pdf, the published proposed collection does not indicate what options are available under the dropbox "select the violation" and it is therefore impossible to comment on these within the scope of this comment. USCIS should consider publishing instead the source code for the electronic form or other indication of all available form options and extend the comment period as appropriate to address any fault that might be contained therein. | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements.  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017).  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| **Comment 011** | **Commenter: Nancy Guarderas** | **Completed** |
| **03/21/19** | USCIS seeks here to provide a method of submission for information that is unsolicited and not necessarily related to any pending matter before it which is an impermissible recombination of the functions of USCIS and ICE. The proposed collection is, therefore, inappropriate. USCIS is not a law enforcement agency but an adjudicatory one, and this proposed collection, along with USCIS' other avenues for the administration's pet project of alleging ubiquitous fraud, exceeds the scope of the agency's mission. This is a horrible idea and should not be implemented.  The form does not provide any particular instruction on immigration law and will most often be used by those without the sophisticated knowledge required to differentiate fraud from non-fraud and by those unfamiliar with any pending proceeding by the person(s) reported. At best it will be used primarily as a vehicle to harass immigrants and suspected immigrants (whether intentionally or negligently alleged by the submission). Moreover there is no direction on what information is or might be useful to USCIS and the information collected will necessarily be inconsistent and unreliable.  Given USCIS' further mandate to protect domestic violence victims who have applied for benefits under the Violence Against Women Act, the lack of safeguards in the process to prevent submission of abusive information is appalling. USCIS has attached no direction that only truthful information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws, which would dramatically increase reliability of the submitted information and reduce the incidence of the form being used as a weapon against any immigrant with whom the submitting party is in conflict, particularly domestic violence victims.  Finally, as a technical note, because it was published as a static pdf, the published proposed collection does not indicate what options are available under the dropbox "select the violation" and it is therefore impossible to comment on these within the scope of this comment. USCIS should consider publishing instead the source code for the electronic form or other indication of all available form options and extend the comment period as appropriate to address any fault that might be contained therein | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  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The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements.  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017). |
| **Comment 009** | **Commenter: Monica Kane, Esq** |  |
| **03/21/19** | I am an immigration attorney and sole proprietor of the Law Offices of Monica Kane. My legal career has been dedicated to the practice of immigration law, and the majority of my work throughout my career has involved family-based immigration and immigration law remedies for victims of crime and domestic violence. I was a staff attorney at Neighborhood Legal Services of Los Angeles County, a Legal Services Corporation-funded non-profit organization, from 2002 to 2005 and from 2009 to 2014. From 2005 to 2007, I worked as an immigration staff attorney and supervising attorney at Jewish Family and Children’s Services, a social service agency in San Francisco. In my private practice, I have continued to focus on family-based immigration and victim-based relief, such as VAWA self-petitions, U visas, and I-751 petitions with waiver of the joint filing requirement due to battery or extreme cruelty. I respectfully submit this comment opposing the proposed new “USCIS Tip Form,” DHS Docket No. USCIS-2019-0001. The proposed form purports to “facilitate the collection of information from the public regarding credible and relevant claims of immigration benefit fraud.” I do not believe providing such a form to the public will result in “credible and relevant” claims that merit the use of precious Department of Homeland Security (“DHS”) or U.S. Citizenship and Immigration Services (“USCIS”) resources to investigate. Anecdotally, in my over 16 years as an immigration attorney, a handful of individuals have reached out to me to inquire about reporting an immigrant they suspected of immigration fraud. Most, if not all, of these contacts appeared to involve an estranged spouse of an immigrant looking for revenge after a bad break-up or a means to control and manipulate their spouse. Based on my experience, I believe the proposed new USCIS Tip Form would inundate USCIS with baseless accusations to sift through and very few “credible and relevant” claims to investigate. I strongly believe that the USCIS Tip Form is a waste of time and would result in a significant waste of resources that could be better used to ensure the integrity of USCIS operations. More importantly, the proposed USCIS Tip Form does not adequately prevent against violations of Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“Section 384”). Section 384 penalizes the use of information provided by an abuser or member of an abuser’s family in making an adverse determination of inadmissibility or deportability. The USCIS Tip Form does not require the “tipster” to identify himself or his relationship to the immigrant whose alleged fraud he is reporting. USCIS investigators would have to either ignore each USCIS Tip Form that does not identify the “tipster” or risk penalties for using the information provided by the “tipster” in violation of Section 384. Beyond USCIS’ potential penalties for violating Section 384, the USCIS Tip Form could cause more victims of domestic violence to suffer the types of harm that Section 384 was meant to prevent. Victims of domestic violence may be subject to adverse determinations and actions by USCIS based on their abusers’ false reports via the USCIS Tip Form. They may also be more reluctant to leave their abusers when their abusers threaten to use (or actually use) the USCIS Tip Form to make false reports of immigration benefit fraud. Immigrant victims of domestic violence already experience high levels of psychological abuse and control based on their abusers’ threats to report them to immigration authorities, in general. Providing abusers with a simple online form is like handing them a new weapon in their arsenal of power and control over their victims. In addition to my opposition to the USCIS Tip Form in general, I would like to note that the drop-down menu for the type of violation did not appear to work in the draft form. Thus, I was unable to review the drop-down menu options to evaluate or provide comments about them. Overall, the proposed USCIS Tip Form appears likely to create more work for USCIS, without turning up significant “credible and relevant claims of immigration benefit fraud,” and could lead to more Section 384 violations and the various harms to victims of domestic violence that Section 384 was meant to prevent. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 013** | **Commenter: Angela Ferguson** | **Completed** |
| **03/25/19** | First, USCIS is not a law enforcement agency but an adjudicatory one, and this proposed collection, along with USCIS' other avenues for the administration's pet project of alleging ubiquitous fraud, exceeds the scope of the agency's mission. ICE and USCIS were separated previously for a reason, and should remain separated.  Second, the form is will be used primarily as a vehicle to harass immigrants and suspected immigrants (whether intentionally or negligently alleged by the submission). Moreover, the proposal provides no direction on what information is or might be useful to USCIS. The information collected will necessarily be inconsistent and unreliable, and a waste of resources.  Third, the lack of safeguards for domestic violence victims in the form collection process is dangerour and plain wrong. USCIS is mandated to protect domestic violence victims who have applied for benefits under the Violence Against Women Act, and this process provides no protection to those applicants. The proposed form includes no notice that a submission to this government system is subject to perjury laws, which would dramatically increase reliability of the submitted information and reduce the incidence of the form being used as a weapon against any immigrant with whom the submitting party is in conflict, particularly domestic violence victims.  Finally, as a technical note, because of the current format, reviewers are unable to comment on the full scope of the proposed form. For example,the published proposed collection does not indicate what options are available under the dropbox "select the violation" . USCIS should consider publishing an explanation of all available form options and extend the comment period as appropriate to address any fault that might be contained therein. Give us all the information so that comments can be complete | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements.  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017).  Please review www.regulations.gov docket USCIS-2019-0001 for supporting documents of this information collection. One of the supporting documents indicates what options are available under the dropbox “select the violation” |
| **Comment 015** | **Commenter: Michelle Siri** |  |
| **03/27/19** | As someone whose organization represents foreign-born victims of domestic violence, human trafficking, and sexual assault in obtaining legal status via U-Visas, T-Visas, and Self-Petitions, I find it very disturbing that this would be considered where an abuser could easily manipulate and abuse the system (as abusers tend to do) to the detriment of the victim. Under VAWA regulations, USCIS shall not consider information provided by abusers; therefore this type of process is extremely problematic. It is important to prevent another avenue for abusers to continue to harass and abuse immigrant survivors. As another commenter has noted, the lack of safeguards for domestic violence victims in the form collection process is unnerving and plain wrong. USCIS is mandated to protect domestic violence victims who have applied for benefits under the Violence Against Women Act, and this process provides no protection to those applicants. The proposed form includes no direction that only truthful information should be submitted nor provides a notice that a submission to this government system is subject to perjury laws, which would dramatically increase reliability of the submitted information and reduce the incidence of the form being used as a weapon against any immigrant with whom the submitting party is in conflict, particularly domestic violence victims. | **Response:**  USCIS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367. |
| **Comment 014** | **Commenter: MariRuth Petzing** |  |
| **03/27/19** | USCIS is not a law enforcement agency but an adjudicatory one. USCIS and ICE were separated intentionally by Congress and should remain separate. ICE already has reporting options. USCIS seeks here to provide a method of submission for information that is unsolicited and not necessarily related to any pending matter before it. USCIS process times are extremely slow and have increased by 46% in the last two years. People are waiting years to be reunited with their spouse or children, to receive renewals of their visas and work permits, it is taking some people over a year to even renew their green cards. These delays cause real harm to families, employers and communities. USCIS should be dedicating its limited resources to adjudicating the cases before it, not reviewing and responding to unsolicited, unverified, and unrelated reports.   Immigration law in an extremely complicated area and the average lay person does not have the ability to accurately identify fraud or benefits abuse. The form will be used by those unfamiliar with any pending proceedings before the agency by the person or persons reported. The main purpose of this form will be to harass immigrants and suspected immigrants whether intentionally or negligently alleged by the submission. Moreover there is no direction on what information is or might be useful to USCIS and the information collected will necessarily be inconsistent and unreliable.  USCIS is mandated to protect domestic violence victims who have applied for benefits under the Violence Against Women Act, and this process provides no protection to those applicants. The proposed form allows for anonymous submissions and does not require affirmation of the truth of the contents under penalty of perjury. In my experience working as an attorney in a farming community, many immigrant farmworkers already fear reporting sexual harassment and assault by their employers, discrimination or wage theft, domestic violence and other serious matters.This form can be easily used as a weapon by an abuser. It can also be used by anyone in retaliation for an immigrant or suspected immigrant reporting a crime, filing a protection order, filing for divorce or custody of children, filing an employment discrimination, wage theft or other complaint.This will increase the fear of reporting and seeking protections and further enable abuse of vulnerable populations. | **Response:**  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017).  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All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 020** | **Commenter: Kevin Curnin** |  |
| **04/01/19** | The proposed tip form is unnecessary, redundant, and contrary to USCIS's existing duties. It would also encourage irresponsible citizen policing and create a further a chilling effect on due process. The USCIS already has sprawling and not always well-defined duties, adding more would further slow and confuse the system. There are many federal, state and local agencies and law enforcement offices that already have jurisdiction and can detect and stop fraud better than USCIS. | **Response:**  The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017). |
| **Comment 017** | **Commenter: Lowen Berman** |  |
| **03/29/19** | USCIS is not a law enforcement agency. USCIS and ICE were separated intentionally by Congress and should remain separate. ICE already has reporting options. USCIS is asking to provide a method of submission for information that is unsolicited and not necessarily related to any pending matter before it. USCIS process times are already extremely slow and have increased by 46% in the last two years. People are waiting years to be reunited with their spouse or children, to receive renewals of their visas and work permits, it is taking some people over a year to even renew their green cards. These delays cause real harm to families, employers and communities. USCIS should be dedicating its limited resources to dealing with the cases before it, not reviewing and responding to unsolicited, unverified, and unrelated reports.   Immigration law in an extremely complicated area and the average lay person does not have the ability to accurately identify fraud or benefits abuse. The main effect of this form will be to increase harassment of immigrants and suspected immigrants by persons with no knowledge or expertise regarding immigration law or the legal status of those reported. The information collected will necessarily be inconsistent, irrelevant and/or unreliable.  USCIS is mandated to protect domestic violence victims who have applied for benefits under the Violence Against Women Act, and this process provides no protection to those applicants. The proposed form allows for anonymous submissions and does not require any test or process ensuring the truth of the contents such as under penalty of perjury. This form can be easily used as a weapon by an abuser. It can also be used by anyone in retaliation for an immigrant or suspected immigrant reporting a crime, filing a protection order, filing for divorce or custody of children, filing an employment discrimination, wage theft or other complaint. | **Response :**  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017).  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 018** | **Commenter: Laura Botz** |  |
| **03/2/19** | I am concerned that the proposed Tip Form will provide an additional tool to abusers who use the threat of "calling immigration" to intimidate and control their victims and make our communities less safe. I work as a paralegal, and in my daily work I interact with people who have been or are currently in domestic violence siuations, in which their abuser threatens to reveal their lack of legal status to immigration authorities--either to have them deported or to have their children taken away from them--in order to keep them from reporting the abuse to the police. When the victim is also a parent, fear of reporting abuse to the police causes prolonged suffering not only for them, but for their children as well. Allowing the general public to report perceived immigration fraud will produce misinformation at best; at worst, it will interfere with law enforcement's ability to detect and investigate actual crimes and abuse, making our communities less safe. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367. |
| **Comment 016** | **Commenter: Michelle C.** |  |
| **03/29/19** | This is a terrible idea and will only encourage people to report others based on racialized stereotypes or based on personal animus! USCIS is not a law enforcement agency. It is NOT OK to allow people to make unsubstantiated accusations about others that can result in serious harmful repercussions on others' lives. This is wrong, and also outside the scope of USCIS's role. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017). |
| **Comment 021** | **Commenter: Suzanne Sorkin** |  |
| **04/01/19** | This is really insidious. You are asking people to inform on their neighbors and be constantly leery of strangers. It would encourage a non-open, inherently distrusting society. It is not the type of America we should be promoting. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 019** | **Commenter: Victoria Baratian** |  |
| **03/29/19** | I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  My name is Victoria Baratian and I work in legal aid in Worcester, MA as an immigration advocate. I deal primarily with humanitarian immigration and survivors of domestic violence. I think it’s safe to say that most, if not all, of the VAWA self-petitioners, U Visa applicants, SIJ applicants, and asylum applicants I work for already live in fear of reporting their abusers because of the possibility they will be deported in retaliation. Further, their abusers often use the threat of deportation as a means of maintaining power and control.   1. **The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process**   USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.[[1]](#footnote-2) Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.[[2]](#footnote-3) There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.[[3]](#footnote-4) For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.[[4]](#footnote-5) Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.[[5]](#footnote-6) These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.[[6]](#footnote-7)  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.   1. **The USCIS Tip Form Misuses USCIS Resources**   Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.[[7]](#footnote-8) Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.  The U Visa process, for example, was created after law enforcement officials identified that undocumented victims of crimes were too afraid to report their abusers and participate in the investigation and prosecution. The U Visa was created to protect victims of crime in the US and incentivize them to report; it both benefits law enforcement officials do their jobs and keep our community safe, as well as provides the victim with a path to lawful status. Since, so many more victims feel more secure in reporting and working with the prosecution, that now the wait list for a U Visa is over 8 years long. For about half of that time, the victim does not receive work authorization or a social security number, effectively depriving them of the ability to work legally and earn their living for themselves and their families. The addition of the USCIS Tip Line will force CIS to look into any anonymous and possibly fictitious allegations of fraud would further slow down an already backlogged system that was created to protect survivors.  Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.   1. **The USCIS Tip Form violates due process** 2. The USCIS Tip Form is overbroad and vague   USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.   1. Anonymous Reporting Encourages Misuse   The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.  USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.  A former client was working with DCF after a 51A was filed when her US Citizen husband strangled her in front of their 3 and 4 year-old children. One woman I spoke with on her case told me that I shouldn’t believe my client, because she was trying to play the victim and get a green card “like the rest of them.” I was horrified. I had police reports of multiple incidents of shocking acts physical abuse my client had suffered in hand, as well as medical records and pictures documenting this particular incident. But, because my client was viewed as “other” while her husband was a US citizen, this woman’s personal biases blinded her to my client’s credibility. Imagine if this woman had access to a tip form.  Inherently, people motivated by racism and bigotry such as this woman are more likely to be the people who use the proposed tip form. Her information would be colored by her preconceptions and unreliable, but CIS would need to use their time and money to investigate it; this wastes resources CIS doesn’t have and perpetuates fear and mistrust.  Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.     1. **The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk**   The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”[[8]](#footnote-9) Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.[[9]](#footnote-10)  To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.  Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, *inter alia,* that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.[[10]](#footnote-11) These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”[[11]](#footnote-12)    This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.[[12]](#footnote-13) DHS’ own guidance instructs:  There are a number of ways DHS employees might receive “tips”  from an abuser or an abuser’s family, such as: calling ICE to report  the victim as illegal, a “landlord” (who may actually be a human trafficker)  calling ICE to report that his “tenants” are undocumented, or providing  information to USCIS rebutting the basis for the victim’s application.  When a DHS employee receives adverse information about a victim  of domestic violence, sexual assault, human trafficking or an enumerated  crime from a prohibited source, *DHS employees treat the information as inherently suspect*.”[[13]](#footnote-14)  Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions,*which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367.*  The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form.   1. **Information Sharing and Lack of Accountability**   The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.   1. **Conclusion**   I strongly oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |

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| **Comment 027** | **Commenter: Ceridwen Cherry** |  |
| **04/04/19** | Samantha Deshommes, Chief  Regulatory Coordination Division, Office of Policy and Strategy  U.S. Citizenship and Immigration Services  Department of Homeland Security  20 Massachusetts Avenue NW  Washington, DC 20529-2140    Re: Public Comment Opposing Form G-1530: USCIS Tip Form  OMB Control Number 1615–NEW  Docket ID USCIS-2019-0001  Dear Ms. Deshommes:    I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   1. **The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process**   USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.[[14]](#footnote-15) Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.[[15]](#footnote-16) There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.[[16]](#footnote-17) For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.[[17]](#footnote-18) Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.[[18]](#footnote-19) These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.[[19]](#footnote-20)  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.   1. **The USCIS Tip Form Misuses USCIS Resources**   Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.[[20]](#footnote-21) Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.  Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.   1. **The USCIS Tip Form violates due process** 2. The USCIS Tip Form is overbroad and vague   USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.   1. Anonymous Reporting Encourages Misuse   The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.  USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.  Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.     1. **The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk**   The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”[[21]](#footnote-22) Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.[[22]](#footnote-23)  To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.  Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, *inter alia,* that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.[[23]](#footnote-24) These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”[[24]](#footnote-25)    This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.[[25]](#footnote-26) DHS’ own guidance instructs:  There are a number of ways DHS employees might receive “tips”  from an abuser or an abuser’s family, such as: calling ICE to report  the victim as illegal, a “landlord” (who may actually be a human trafficker)  calling ICE to report that his “tenants” are undocumented, or providing  information to USCIS rebutting the basis for the victim’s application.  When a DHS employee receives adverse information about a victim  of domestic violence, sexual assault, human trafficking or an enumerated  crime from a prohibited source, *DHS employees treat the information as inherently suspect*.”[[26]](#footnote-27)  Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions,*which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367.*  The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form.   1. **Information Sharing and Lack of Accountability**   The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.   1. **Conclusion**   I oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits.  Sincerely,  Ceridwen Cherry | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 030** | **Commenter: Elizabeth Greason** |  |
| **04/04/2019** | The proposed USCIS tip form, though well intentioned, will have the inadvertent effect of allowing people's biases to go unchecked through racial profiling and the form will disproportionately punish an already vulnerable population. This will lead to more division and distrust among the American people. | **Response :**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment**  **023** | **Commenter: Mufalo Chitam – Maine Immigrants Rights Coalitions** |  |
| **04/04/2019** | Samantha Deshommes, Chief Regulatory Coordination Division, Office of Policy and Strategy U.S. Citizenship and Immigration Services Department of Homeland Security 20 Massachusetts Avenue NW Washington, DC 20529-2140  Re:Public Comment Opposing Form G-1530: USCIS Tip Form OMB Control Number 1615NEW Docket ID USCIS-2019-0001  Dear Ms. Deshommes:  I am writing on behalf of Maine Immigrants Rights Coalitions in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   As an organization with a commitment to advancing and defending the rights of immigrants, we submit the following comment to oppose the USCIS Tip Form and provide insight on the continuing challenges of immigrants and people of color face in our economy. MIRCs mission is to improve the legal, social and economic conditions experienced by Maines immigrants enhancing their lives while strengthening Maine through advocacy, information sharing and collaboration both through and among our member organizations. We represent 60 member organizations including immigrant constituency groups, advocacy groups, direct service organizations and grassroots community organizations.   I.The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process  USCISs primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.    The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  In Maine, our former Governor fought to restrict governmental benefits to asylum-seekers who are allowed to work. Maine's top court ruling said, Maine was wrong to deny food stamp benefits to asylum-seekers cleared to work, but not yet employed. Maine denied food stamps to such asylum-seekers following disagreements over state law, including the wording of the 2014-2015 budget. The new administration under Maine's new governor has begun seeking public comment on plans to provide certain asylum-seekers with government benefits that the previous administration fought to eliminate in response to a January 2018 ruling.   The Department of Health and Human Services is seeking public comment on regulations to provide state funding to legally admitted asylum-seekers with work documents. The implementation of a tip form that allows for unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, creates a high likelihood that bias and bigotry will play a role in reporting and adversely derailing such efforts. Reported asylum-seekers will face increased scrutiny, surveillance, and potential loss again of food stamps benefits that should be restored to them without any due process or sufficient evidence.   II.Conclusion  The Maine Immigrants Rights Coalition stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits.   Sincerely,   Mufalo Chitam Executive Director Maine Immigrants Rights Coalition | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time. |
| **Comment**  **024** | **Commenter: Emily Mansfield** |  |
| **04/04/2019** | Samantha Deshommes, Chief Regulatory Coordination Division, Office of Policy and Strategy U.S. Citizenship and Immigration Services Department of Homeland Security 20 Massachusetts Avenue NW Washington, DC 20529-2140  Re:Public Comment Opposing Form G-1530: USCIS Tip Form OMB Control Number 1615NEW Docket ID USCIS-2019-0001  Dear Ms. Deshommes:  I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   You will receive comments from the organization ASISTA detailing the reasons why this proposed form is bad policy and potentially unconstitutional. I agree with all of them. I work for Kitsap Immigrant Assistance Center as a volunteer in Kitsap County, Washington. We have recently had instances of the Patriot Front operating in our area and we are fearful for the safety of our clients. Giving groups like that an open opportunity to report on their neighbors will instill fear in everyone in our community.  Please do not go forward with this policy. Thank you, Emily Mansfield, DOJ Partially Authorized Representative  Kitsap Immigrant Assistance Center | **Response :**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017). |
| **Comment 022** | **Commenter: Alexandra Ashbrook** |  |
|  | Dear Ms. Deshommes:  I write in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   USCISs primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.   According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBIs own admission. Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally. These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.   The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation. Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.   To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.   Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrators household or family member. These protections, codified at 8 USC 1367 are designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.   This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS. DHS own guidance instructs:   There are a number of ways DHS employees might receive tips  from an abuser or an abusers family, such as: calling ICE to report  the victim as illegal, a landlord (who may actually be a human trafficker)  calling ICE to report that his tenants are undocumented, or providing  information to USCIS rebutting the basis for the victims application.  When a DHS employee receives adverse information about a victim  of domestic violence, sexual assault, human trafficking or an enumerated  crime from a prohibited source, DHS employees treat the information as inherently suspect.   I oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 028** | **Commenter: Lynn Tramonte** |  |
|  | USCIS OMB Control Number 1615-NEW Docket ID USCIS-2019-0001  You indicate that your aim is to collect "credible and relevant" information about alleged benefits fraud. However, the form makes no attempt to determine either the credibility of the information or the credibility of the individual supplying it. In fact, it seems to leave the door wide open for individuals to manufacture any accusations they want to make against anyone, without attribution, and have the federal government investigate them. The form does not even ask how the person submitting this is are aware of the derogatory information, much less invoke accountability or verification mechanisms to ensure that the person submitting the information is credible.  Secondly, immigration files and cases, such as asylum applications, contain sensitive information that should be kept confidential. This may be a matter of life and death. Congressional offices cannot even discuss constituents' cases unless they obtain a privacy waiver signed by the beneficiary. In that example, formerly a spouse's signature was sufficient to waive a person's confidentiality, but under the current administration the government has required that a congressional privacy waiver be signed by the immigrant--even if he or she is incarcerated with no access to a computer or printer. This adds an extra burden in the name of protecting an "alien's" privacy rights.  Why, then, would the USCIS even entertain the acceptance of personal information about an applicant or beneficiary submitted by an anonymous, unverified, or potentially non-credible source? Immigration cases are complex, and outsiders often will not have the whole story or understand how immigration law functions. They are not experts in the cases or the law, but with this form would be given the power to potentially delay or destroy access to an immigration benefit for which an individual is legally eligible. It is grossly inconsistent with DHS' current practice on congressional privacy waivers to accept unsolicited, possibly erroneous information about individual immigration benefits cases--information submitted by unknown and possibly uninformed or nefarious individuals--with the possibility that such information could impact these cases. USCIS must be consistent about protecting applicants/beneficiaries' privacy and the integrity of the adjudication process | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 026** | **Commenter: Atim Otii** |  |
|  | USCIS is not a law enforcement agency. USCIS and ICE were separated intentionally by Congress and should remain separate. ICE already has reporting options. USCIS is asking to provide a method of submission for information that is unsolicited and not necessarily related to any pending matter before it. USCIS process times are already extremely slow and getting slower. People are waiting years to be reunited with their spouse or children, to receive renewals of their visas and work permits, it is taking some people over a year to even renew their green cards. These delays cause real harm to families, employers and communities. USCIS should be dedicating its limited resources to dealing with the cases before it, not reviewing and responding to unsolicited, unverified, and unrelated reports. How is USCIS going to cover additional resources to verify and deem credible the information collected?  USCIS is mandated to protect domestic violence victims who have applied for benefits under the Violence Against Women Act, and this process provides no protection to those applicants. The proposed form allows for anonymous submissions and does not require any test or process ensuring the truth of the contents such as under penalty of perjury. This form can be easily used as a weapon by an abuser, or even an angered neighbor or employee. It can also be used by anyone in retaliation for an immigrant or suspected immigrant reporting a crime, filing a protection order, filing for divorce or custody of children, filing an employment discrimination, wage theft or other complaint. | **Response:**  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017).  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  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| **Comment 031** | **Commenter: Judith Southworth** |  |
| **04/08/2019** | I am shocked and dismayed to learn of the USCIS proposed form for reporting suspicions of immigration fraud. Simply this is outside of how the regulation of immigration and law enforcement is meant to work in the United States. Further, it stokes the fires of negative stereotyping of immigrants which has resulted in recent mass shootings and death.  Inviting anonymous reports about perceived enemies of the state is a tactic used by militaristic and totalitarian governments not a democracy. Among our immigrant brothers and sisters who would be singled out many innocents are sure to be irreparably damaged emotionally, socially, financially, physically. Those of us who are safely white and native-born will certainly suffer from the dismantling of the rule of law, and the tearing of our community fabric. I urge USCIS to withdraw the proposed form immediately and entirely. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 053** | **Commenter: Miriam Vargas Corona – Unidos Bridging Community** |  |
| **04/09/2019** | I am writing on behalf of Unidos Bridging Community in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   Our organization is very concerned about the unchecked ability for persons who are not respectful of the well-being and safety of immigrants, persons of color, refugees, and undocumented survivors of sexual and physical abuse to use the tip form as a harmful tool in our communities. This form would allow ill-intentioned persons with biases against these populations to create fraudulent claims against them with the purpose of deporting them from the country, imprisoning them, or separating them from their families and children. These actions would create extreme hardship and suffering on the families of the reported individuals and would strain our communities limited resources because we would have to address the repercussions of separated families needing social and financial supports.   USCIS should not be a department that enforces and prosecutes individuals. It is an agency that facilitates the adjustment of individuals status. We want people to come forward if they are eligible to adjust their status and go through the processes to do so. USCIS already has a backlog of applications that are waiting to be processed and adding this tip form to their work load would only further delay the backlog. The tip form is not a responsible and appropriate use of USCIS resources and staffing time. We want people to adjust their status as soon as possible so they can be full participants in our economies, workforce, and communities without fear of deportation.   By having a tip form that allows anonymous tips to be submitted will turn our country into a place where the civil population will turn against each other. It will create fear and mistrust of neighbors and will only divide our communities more than they already are. These are not the values of our nation and they do not reflect the kind of environment we envision our families to live in. This constant fear that parents will have to live in is passed down to children and over time it can become traumatic for them. Prolonged trauma has a physical effect in a young childs biology and will have profound, life-long alterations to the makeup of their brain development and health.   Our community has seen an increase of detentions by Immigrations and Customs Enforcement. The information that is shared with ICE by law enforcement has aided in these detentions. Parents are ripped apart from their children, and their spouses are left fending for their family on their own after the head of the household contributing income has been detained. It is dangerous for the well-being and togetherness of our immigrant families to have yet another enforcement federal agency working to identify and detain individuals.   Unidos Bridging Community stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits.   Thank you for your time and attention. Attached is a copy of this comment in letter format.  With gratitude,   Miriam Vargas Corona Executive Director Unidos Bridging Community | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  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FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 025** | **Commenter: Grace Kurland** |  |
| **04/04/2019** | I am an immigration and human trafficking attorney who works with victims of domestic violence and human trafficking, aiding them in obtaining immigration relief aimed at survivors. We have already seen the number of immigrants who want to come forward and assist law enforcement decrease due to changes in policy. My clients are survivors who suffered substantial trauma. In a normal environment, it is incredibly difficult for them to come forward and work with law enforcement which often requires them to relive their trauma numerous times. They will now have even more to fear, including the very real likelihood that abusers can interfere with their cases.  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting.   Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. The incredible delays facing my clients who apply for humanitarian-based immigration relief continue to increase. Individuals who are victims of crime who take the brave step to come forward and assist law enforcement now have a nearly 15 year wait until they can obtain a U Visa, and nearly 5 years before they even obtain deferred status. Increased delays would make undermine the purpose of the statute creating this relief as it would provide no incentive for individuals for whom relief is elusive and decades in the future.  The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation. Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.   To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.   Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrators household or family member.   This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS. DHS own guidance instructs:   The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.   On behalf of myself and my clients, I stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  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The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 029** | **Commenter: Mary de Rosas** |  |
| **04/04/2019** | *Submitted via**[www.regulations.gov](http://www.regulations.gov)*    Samantha Deshommes, Chief  Regulatory Coordination Division, Office of Policy and Strategy  U.S. Citizenship and Immigration Services  Department of Homeland Security  20 Massachusetts Avenue NW  Washington, DC 20529-2140    Re: Public Comment Opposing Form G-1530: USCIS Tip Form  OMB Control Number 1615–NEW  Docket ID USCIS-2019-0001  Dear Ms. Deshommes:    I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  I work in an immigration law office and have been involved with the immigrant community in Seattle for over 20 years. My experience of immigrants overall is that they bring so much good to our communities-they are a vital asset of energy and ambition and allegiance to their adopted country.   1. **The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process**   USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.[[27]](#footnote-28) Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.[[28]](#footnote-29) There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.[[29]](#footnote-30) For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.[[30]](#footnote-31) Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.[[31]](#footnote-32) These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.[[32]](#footnote-33)  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  In Seattle, we are seeing more and more hate crimes against immigrants, the homeless, people of color, and religious minorities. I fear that the establishment of this tip line will put more of these vulnerable populations in danger as bogus tips are investigated.   1. **The USCIS Tip Form Misuses USCIS Resources**   Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.[[33]](#footnote-34) Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. I have many clients who have lost work or had to move because their applications have been delayed months beyond the initial projections.  Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.   1. **The USCIS Tip Form violates due process** 2. The USCIS Tip Form is overbroad and vague   USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.   1. Anonymous Reporting Encourages Misuse   The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.  USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.  I had a client once who had to spend thousands in legal fees and endure intrusive fraud investigations due to a frivolous complaint made against her by a former girlfriend of her husband. The suffering this couple had to endure to defend themselves against bogus claims of fraud was considerable-thousands of dollars spent and countless hours of government worker time resulted in no evidence of fraud.  Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.     1. **The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk**   The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”[[34]](#footnote-35) Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.[[35]](#footnote-36)  To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.  Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, *inter alia,* that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.[[36]](#footnote-37) These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”[[37]](#footnote-38)    This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.[[38]](#footnote-39) DHS’ own guidance instructs:  There are a number of ways DHS employees might receive “tips”  from an abuser or an abuser’s family, such as: calling ICE to report  the victim as illegal, a “landlord” (who may actually be a human trafficker)  calling ICE to report that his “tenants” are undocumented, or providing  information to USCIS rebutting the basis for the victim’s application.  When a DHS employee receives adverse information about a victim  of domestic violence, sexual assault, human trafficking or an enumerated  crime from a prohibited source, *DHS employees treat the information as inherently suspect*.”[[39]](#footnote-40)  So many immigrant women are in vulnerable positions with their former partners who may want to punish them for their decision to flee their abusers. Studies show that these women are at tremendous risk. Persecuting them further with unwarranted investigations just puts them at further risk and also further traumatizes them.    Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions,*which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367.*  The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form.   1. **Information Sharing and Lack of Accountability**   The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.   1. **Conclusion**   I unequivocally oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits.  Mary de Rosas  Christoffersen Law  1001 4th Avenue, Ste 4400  Seattle, WA 98154 | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 045** | **Commenter: Tirsa Orellana** |  |
| **04/09/2019** | I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. A.The USCIS Tip Form is overbroad and vague. USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of fraud, which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 033** | **Commenter: Helen Tarokic, Helen Tarokic Law PLLC** |  |
| **04/09/2019** | I am writing on behalf of Helen Tarokic Law PLLC in opposition to the DHS /USCIS proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   Our office handles U, T and VAWA cases. We see the evil enacted by abusers on immigrants on a daily basis. I.The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCISs primary function is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. Recent reports from the FBI show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBIs own admission. Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally. These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that coud enable them to refute allegations of fraud. The USCIS tip form will hurt clients in North Carolina, which is already a top 10 state for trafficking humans and victimizing immigrants. The tip form will be more likely to create problems and crime in our community, which would just be the opposite goal of its intent. The tip form will be come a threat against innocent people and can cause havoc when used wrongly, and the people who use it wrongly wont face prosecution or deportation like their victims will. II.The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.   III.The USCIS Tip Form violates due process A.The USCIS Tip Form is overbroad and vague  B.Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.  Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.   IV.The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation. Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.  To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.  Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrators household or family member. These protections, codified at 8 USC 1367 are designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.   As a NC lawyer who handles hundreds of victim cases every year, I have seen with my own eyes that anonymous reporting just causes problems for the victims without really helping anyone stop the criminals. ICE will abuse these tip forms too. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 034** | **Commenter: Abigail Coursolle** |  |
| **04/09/2019** | I oppose the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.   For these reasons, I oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 039** | **Commenter: Peggy Korpela** |  |
| **04/09/2019** | *Submitted via**[www.regulations.gov](http://www.regulations.gov)*    Samantha Deshommes, Chief  Regulatory Coordination Division, Office of Policy and Strategy  U.S. Citizenship and Immigration Services  Department of Homeland Security  20 Massachusetts Avenue NW  Washington, DC 20529-2140    Re: Public Comment Opposing Form G-1530: USCIS Tip Form  OMB Control Number 1615–NEW  Docket ID USCIS-2019-0001  Dear Ms. Deshommes:    I am writing opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   1. **The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process**   USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.[[40]](#footnote-41) Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.[[41]](#footnote-42) There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.[[42]](#footnote-43) For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.[[43]](#footnote-44) Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.[[44]](#footnote-45) These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.[[45]](#footnote-46)  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.   1. **The USCIS Tip Form Misuses USCIS Resources**   Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.[[46]](#footnote-47) Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.  Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.   1. **The USCIS Tip Form violates due process** 2. The USCIS Tip Form is overbroad and vague   USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.   1. Anonymous Reporting Encourages Misuse   The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.  USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.  Anonymous outsiders have been known to give information based solely on racism, bigotry and hate, as a method of harassment of people of color and minority groups. Also, creating an environment of anonymous informing and tips creates paranoia and distrust, an unsafe surveillance state, devoid of democracy.  Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.     1. **The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk**   The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”[[47]](#footnote-48) Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.[[48]](#footnote-49)  To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.  Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, *inter alia,* that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.[[49]](#footnote-50) These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”[[50]](#footnote-51)    This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.[[51]](#footnote-52) DHS’ own guidance instructs:  There are a number of ways DHS employees might receive “tips”  from an abuser or an abuser’s family, such as: calling ICE to report  the victim as illegal, a “landlord” (who may actually be a human trafficker)  calling ICE to report that his “tenants” are undocumented, or providing  information to USCIS rebutting the basis for the victim’s application.  When a DHS employee receives adverse information about a victim  of domestic violence, sexual assault, human trafficking or an enumerated  crime from a prohibited source, *DHS employees treat the information as inherently suspect*.”[[52]](#footnote-53)  Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions,*which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367.*  The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form.   1. **Information Sharing and Lack of Accountability**   The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.   1. **Conclusion**   I stridently oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 052** | **Commenter: Samah Sisay** |  |
| **04/09/2019** | I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. As someone who works with non-citizen populations daily, specifically immigrant survivors of sexual and domestic violence, I know that this line will only cause further fear and harm. The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. 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| **Comment 041** | **Commenter: Arnaldo Iglesias** |  |
| **04/09/2019** | I am against this measurement because it is a weapon of destruction that is given to the anti-immigrant sentiment that is growing in our country. America should make sure that all individual's rights are protected and that communities are not destroyed. We were built on the foundation of freedom and liberty for all. Let's stand for what this country really stands for. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time. |
| **Comment 054** | **Commenter: Alexis Ladd** |  |
| **04/09/2019** | USCIS Tip Form  It is horrifying that a country that celebrates itself as a leader in democracy across the world is resorting to implementing a tip form that will undermine the foundation of our U.S. constitution. We are supposed to be a country that follows due process. This tip form will violate the rights of many people – mostly immigrants and people of color. It creates a system for people to profile who they perceive as “other” without any substantiation. This will open the door for biased and bigoted reporting that puts us all in danger. Having this tool be government sanctioned gives people cover for actions that are harmful and unacceptable. The reports can be completely fictitious. There isn’t any methodology to substantiate claims or protect the person accused from unsubstantiated claims against them. And, there won’t be any consequence for people who submit false information.  Specific populations will be exponentially harmed by this form – which is the obvious intent of our current administration. All immigrants will suffer, but more specifically, women who are survivors of domestic violence will be put at additional risk. This form will provide abusers another vehicle to harass and torment their victims. DHS is threatening the statutory protections in VAWA with this form.  I work at a safety net health care system and we provide care for people who are marginalized on a variety of levels – immigration status, ethnicity, economic status (and more). We see patients every day who are just trying to survive in a country that is growing more and more hostile against them. Instead of working to make America better, actions like this are destroying what makes us great. We’re all immigrants.  Please withdraw this tip form immediately. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 037** | **Commenter: Karen Jackson, Staten Island Inter-Religious Leadership** |  |
| **04/09/2019** | Dear Ms. Deshommes:  I am writing on behalf of Staten Island Inter-Religious Leadership in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   Our coalition represents 30+ houses of worship on Staten Island. Many of our parishioners are immigrants who would be harmed by this proposal.   I.The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process  USCISs primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.   Our Staten Island Inter-Religious Leadership coalition is committed to combating such bias and bigotry in our community. For example, we hold a monthly friendship dinner to build bonds of trust between residents from a variety of backgrounds, including many new immigrants. We believe that a USCIS tip form would under-cut the anti-bias work we are trying to achieve as faith leaders.   II.The USCIS Tip Form Misuses USCIS Resources  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.   Our parishioners are already suffering from processing delays when they apply for benefits, and we believe this form will only add to these delays.   Anonymous Reporting Encourages Misuse  The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.   USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.  From our experience as faith leaders, information from anonymous outsiders is often unreliable, inaccurate, and motivated by racism, bigotry, or hate. Many of us have received anonymous letters expressing animus toward the immigrant parishioners we minister to. We stand against any initiative by our government that would turn the civil population into informants in a manner that breeds fear and mistrust.  IV.The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation. Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.   Our faith communities counsel many immigrant women who are survivors of domestic violence. Often, they will not report their abuse to local law enforcement because they are afraid of immigration-related repercussions for themselves or their spouse. We know women on Staten Island who went on to be brutally beaten by partners who took advantage of their fear of reaching out to law enforcement for help.   VI.Conclusion  Staten Island Inter-Religious Leadership stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 049** | **Commenter: Faye Detsky-Weil** |  |
| **04/092019** | I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process.  The USCIS Tip Form misuses USCIS resources.  The USCIS Tip Form violates due process.  The USCIS Tip Form threatens VAWA confidentiality and puts survivors at risk.  The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement.  I stridently oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  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The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. 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| **Comment 050** | **Commenter: Anne Packham** |  |
| **04/09/2019** | I am opposed to any form of system that could be potentially abused and used against immigrants. My husband is a green card holder for 19 years and I'd hate to think that someone is upset with him for any reason could potentially falsely accuse him of fraud and waste tax payer resources investigating. This regulation is totally against what our justice system is all about. | **Response**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 043** | **Commenter: Geoffrey Doolittle** |  |
| **04/09/2019** | I encourage the agency to consider that allowing public tips for suspected immigration violations encourages angry family members and members of the public generally with certain political views to jeopardize legitimate cases. More often than not such tips are motivated by these things, rather than legitimate information. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 038** | **Commenter: Susanne Sorkin** |  |
| **04/09/2019** | This proposed Tip form is really insidious. It asks people to inform on their neighbors and to be suspicious of strangers. These are not attributes to be encouraged in a free and open society. | **Response:**  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 051** | **Commenter: Mary Browning** |  |
| **04/09/2019** | I am appalled that you are trying to set up a system where anybody can accuse an immigrant of fraud without any proof. In this time when our government is stirring up hatred of immigrants, this is an open invitation for people of ill will to cause problems for people they don't even know. All they need to do is use a name and a baseless accusation. At one time we were told that people who had committed crimes would be deported but we have seen that many people who have been law-abiding for years are deported. This is just another way to increase deportations. As a citizen of this country I am ashamed of how we are treating people. We NEED immigrants; we are NOT "Full." | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 040** | **Commenter: Shaddai Martinez Cuestas** |  |
| **04/09/2019** | As an american and someone who cares about human dignity and justice, I strongly oppose the proposed USCIS tip form. The tip form only legitimizes and encourages racist attacks on immigrant people and people of color. We have seen plenty of cases of 'well-meaning' individuals calling the police on people who are completely innocent. We have seen how these calls do nothing to protect public safety, and infuse terror and often harm on the person of color or immigrant. This regulation is a waste of resources and it empowers racist anti-immigrant sentiments. We need to stop this | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action. |
| **Comment 032** | **Commenter: Patricia Welsh** |  |
| **04/09/2019** | April 4, 2019  Samantha Deshommes, Chief  Regulatory Coordination Division, Office of Policy and Strategy  U.S. Citizenship and Immigration Services Department of Homeland Security  20 Massachusetts Avenue NW Washington, DC 20529-­‐2140  Re: Public Comment Opposing Form G-­‐1530: USCIS Tip Form OMB Control Number 1615–NEW  Docket ID USCIS-­‐2019-­‐0001  Dear Ms. Deshommes:  I am writing on behalf of New Hope Immigration Legal Services and New Hope Free Methodist Church in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-­‐1530: USCIS Tip Form, OMB Control Number 1615 -­‐ NEW, Docket ID USCIS-­‐2019-­‐0001, published in the Federal Register on February 15, 2019.  Africans who came to the United States as refugees make up about one-­‐third of our church’s congregation. We have walked alongside them for almost 15 years and new refugees continue to arrive to worship with us. It has been a joy to welcome them and yet difficult to learn of the tragedy in their lives before coming to America. As an accredited legal representative with New Hope Immigration Legal Services at New Hope Free Methodist Church, I work closely with these people and many others from the large refugee population in Rochester, New York.  Rochester has welcomed almost 15,000 refugees since the year 2000. I am not naïve and am aware that not all people in Rochester are happy to have immigrants in “their space.”  With the distrust and dislike by many Americans toward those from developing countries, negative and racist thoughts and actions abound. An atmosphere such as this hampers the ability of refugees and other immigrants to grow in the fullness of what could be a decent life in the United States, though our immigration laws were designed provide a way for this. If the government through USCIS now asks the general public to report what may be perceived by an individual as fraudulent use of immigration benefits, it would be opening up a Pandora’s box that will not be easily shut when abuse abounds.  First, I’ve found that the general public has very little understanding of immigration law and the benefits it affords those who legally seek these. The average American has little to no concept of the requirements for receiving these benefits. They are surprised at the length of the applications and documents required. When these things are known, I’ve seen doubters of the system recognize that USCIS works hard to prohibit fraud. I commend USCIS on a job well done on this.  With the above-­‐mentioned lack of understanding, should Form G-­‐1530 be implemented, it would prohibit the already overloaded USCIS from adjudicating cases in a timely manner. Untold hours of officers will be wasted with following tips that are submitted due to lack of knowledge of immigration law or due to prejudice and malice.  We ask that you recognize the inherent dangers in putting forth the Form G-­‐1530. As people of faith, we strongly believe that the government and its agencies should not give the public opportunities to act on their negative thoughts in ways that permanently harm others. Our belief is that we should welcome the stranger among us.  New Hope Immigration Legal Services and New Hope Free Methodist Church strongly oppose the publication of the USCIS Tip Form and ask that it not be put into use. Thank you for your consideration of this letter.  Sincerely,  *Patricia J. Welch*  Rev. Patricia J. Welch  Accredited Legal Representative Clinic Coordinator  New Hope Immigration Legal Service | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action. |
| **Comment 036** | **Commenter: Jeff Brand, Psy.D** |  |
| **04/09/2019** | To whom it may concern,  I am writing to express my opposition to allowing for anonymous comments or "tips" in the matter of immigration cases. Congress has supported the development of processes to protect individuals coming before the immigration courts because history has taught us that they are often in vulnerable circumstances as they seek safety and opportunity in another country. If there is credible informatioan relevant to a case then it should be provided in accordance with the law and consistent with due process. This should include information about the sources of the claims as well as avenues to confirm the veracity of any purported evidence.  Allowing for anonymous "tips" invites misinformation and intimidation from third parties who seek to imperil the legal process. This could include abusers in domestic violence cases who seek to sabotage the efforts of the abused to flee. Another perilous example could include gang members who seek to intimidate and/or jeopardize the safety of individuals fleeing violence at home. A third example would involve governments with poor human rights records who attempt to undermine the proceedings of dissidents who are attempting to exit their countries.  Anonymous "tips" do not allow for any means of evaluating the quality of the information. There would be no way to determine if these anonymous tips provided credible evidence that could identify fraud, or if this was merely conjecture and animus directed against innocent parties. It would force our courts into making important legal immigration decisions on the basis of rumor and conjecture. The old adage in computing-- "Garbage in, garbage out"-- expresses the misguided premise in this position.  It is also worth noting that in our highly politicized climate, a policy of anonymous "tips" could also invite political actors intent on undermining credible cases to submit blatantly false claims and allegations in order to serve anti-immigrant agendas. This would only further corrode trust in our system and would do nothing to distinguish genuine cases of fraud from cases that were sorely mistreated.  Please reconsider allowing for such a policy, and any effort to collect information from the general public must provide credible and legitimate opportunities to confront the evidence submitted against a case. This is a foundational premise in our legal system and undermining it will only hurt the integrity and legitimacy of our courts.  Respectfully,  Jeff Brand, Psy.D. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  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| **Comment 047** | **Commenter: Sandra Amolo** |  |
| **04/09/2019** | As organizers and advocates for immigrant justice, we find this new policy proposal terrifying for our communities. This so called tip line is an effort to expose immigrants to bigoted and racist reports. USCIS is deliberately endangering law abiding individuals with this proposal, namely by allowing any one to comment on the legality of an individuals status. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBIs own admission. Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally. These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action. |
| **Comment 044** | **Commenter: Martie McQuain** |  |
| **04/09/2019** | The proposed USCIS tip form, to report suspected illegal immigration activity is a terrible idea and will be open for abuse. There will be thousands of baseless reports based solely on the race of the person suspected. This is a waste of government resources, and will only be used as a political tool of the current administration to placate its xenophobic base. I would suspect there will be significant abuse of this proposed system by both self-styled anti-immigration activists and those who mean to sabotage this program by reporting the president's own employees. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action. |
| **Comment 035** | **Commenter: Mary Dutcher, ALMA** |  |
| **04/09/2019** | ***Informed Consent for Filing Immigration Applications/Petitions***  I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ have been informed of the benefits and risks of filing the following application/petition (s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. I understand that the risks of filing for immigration relief include, but are not limited to:   Case being denied, receiving a Notice to Appear.   Being detained.   Being placed in removal proceedings.  I hereby: \_\_\_\_ Don’t consent nor wish to pursue filing anymore.  \_\_\_ Consent and authorize my DOJ Representative;\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  to submit and file my case with the United States Citizenship Immigration Services (USCIS). I understand that there is no guarantee of my case being approved. Further, should my case be denied and issued a Notice to Appear (NTA) and referred to immigration court; it will be my responsibility to contact and/or retain an attorney/DOJ representative who does removal defense in order to further access my options because the Nebraska Coalition does not provide assistance with removal cases.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Client’s Signature Date  Created by Claudia Fullerton | **Response:**  Comment does not reference the information collection. |
| **Comment 046** | **Commenter: Erin Wasley** |  |
| **04/09/2019** | Dear Ms. Deshommes:  I write in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. I am an immigration attorney and deal with the populations who would be directly affected by this proposal.   USCISs primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.   According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBIs own admission. Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally. These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.   The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation. Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.   To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.   Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrators household or family member. These protections, codified at 8 USC 1367 are designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.   This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS. DHS own guidance instructs:   There are a number of ways DHS employees might receive tips from an abuser or an abusers family, such as: calling ICE to report the victim as illegal, a landlord (who may actually be a human trafficker) calling ICE to report that his tenants are undocumented, or providing information to USCIS rebutting the basis for the victims application.  When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.   I oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 042** | **Commenter: Kim Truong** |  |
| **04/09/2019** | I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   I.The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  II.The USCIS Tip Form Misuses USCIS Resources  Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an other category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.  III.The USCIS Tip Form violates due process because it is overbroad and vague, while anonymous reporting encourages misuse  USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of fraud, which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.   The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.   USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.  Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.   I adamantly oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 048** | **Commenter: Georgia Morgan** |  |
| **04/09/2019** | This is a terrible, unAmerican idea, and probably in violation of multiple laws and Constitutional strictures. Functions of USCIS and ICE cannot be combined in this way. And the American people are not, and must not be asked to be, an arm of USCIS. | **Response:**  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017). |
| **Comment 058** | **Commenter: Kristine Anonymous** |  |
| **04/10/2019** | As a U.S. citizen, I am opposed to this tip form because it is un-American and would encourage neighbors to turn against neighbors. It would also encourage bigotry and xenophobia to flourish, causing us all to distrust each other, dividing us.   In addition, in my 11 years working as a domestic violence advocate, I have worked with thousands of women who were undocumented immigrants, abused and terrified to tell anyone for fear that their abuser would report them to ICE, possibly forcing their deportation and separation from their children. These women were contributing in positive ways to our society, running bakeries, volunteering at schools, cleaning homes, working on farms, raising their children, organizing community bake sale fundraisers, etc. They did not deserve to live in fear of an extra reason to worry about telling someone about their abuse. They deserve to live in this country in peace, with a pathway to citizenship, not in fear, afraid to report abuse.  The USCIS Tip Form proposal is the antithesis of the ideals of this country and I stand opposed to it. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 061** | **Commenter: Geurif Hernandez** |  |
| **04/10/2019** | I am opposed to this initiative. This is not a good use of government resources. This is a dangerous idea for everyone involved, community members and ICE agents. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time. |
| **Comment 062** | **Commenter: Danyal Najmi** |  |
| **04/10/2019** | I am writing in opposition to the new Tip Collection form with USCIS. As the husband of an naturalized American citizen, I have used the USCIS website throughout my wife's immigration process and always considered it a reliable source of information for anyone trying to navigate this sometimes difficult process. Encouraging people to anonymously accuse others of immigration fraud could open the door for internet trolls or anti-immigrant extremists to use the USCIS website as a platform for harming immigrants especially the most vulnerable. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 057** | **Commenter: Michelle Chu** | **Response:** |
| **04/10/2019** | I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, published in the Federal Register on February 15, 2019.   Firstly, the form will be a waste of both time and resources. Specifically, the form lacks criteria for reporting fraud, which means that completely baseless claims can be submitted. Rather than being able to focus on clearing the backlog when it comes to successfully adjudicating I-485 applications, USCIS will need to spend time sifting through misinformation, and determining what counts as fraud or not.   Secondly, given the fact that individuals are NOT required to provide their contact information when submitting this form, this provides an opportunity to abuse the form by using it as a tool to further harass certain individuals and/or communities. In particular, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities already face targeted harassment and violence at alarming rates, especially in the last few years. This form will allow people to continue to harass these communities and others while also avoiding accountability for their words.  Clearly, the main purpose of the form is not in fact to provide more accurate information about potential immigration fraud. Instead, this form will further breed ignorance, mistrust, and fear about those of us who don't "seem American enough." USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 059** | **Commenter: Ari Jones, Oasis Legal Services** |  |
| **04/10/2019** | *Submitted via**[www.regulations.gov](http://www.regulations.gov)*    Samantha Deshommes, Chief  Regulatory Coordination Division, Office of Policy and Strategy  U.S. Citizenship and Immigration Services  Department of Homeland Security  20 Massachusetts Avenue NW  Washington, DC 20529-2140    Re: Public Comment Opposing Form G-1530: USCIS Tip Form  OMB Control Number 1615–NEW  Docket ID USCIS-2019-0001  Dear Ms. Deshommes:    I am writing on behalf of Oasis Legal Services to strongly oppose the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new **Form G-1530**: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  Oasis Legal Services is a 501(c)(3) nonprofit representing LGBTQIA+ immigrants in affirmative humanitarian applications for relief. We primarily focus on asylum applicants served by the San Francisco Asylum Office. 76% of our clients are from Mexico, 21% from Central and South America, and the remaining 3% come from Asia, Africa, the Middle East, and the Caribbean. Oasis works with some of the most disadvantaged individuals at the intersection of immigrant and LGBTQIA+ status. Our clients have experienced severe abuse at the hands of homophobic and transphobic actors in their home countries. Our clients rely on USCIS to grant them lifesaving legal status. Oasis urgently opposes any measure that would alter the immigrant-USCIS dynamic to make it more adversarial and less about client service.   1. **The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process**   USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.[[53]](#footnote-54) Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.[[54]](#footnote-55) There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  According to the Department of Justice, hate crimes have increased, especially those motivated by racial, ethnic, or religious animus.[[55]](#footnote-56) Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.[[56]](#footnote-57) Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.[[57]](#footnote-58) These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.[[58]](#footnote-59)  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  **USCIS is meant to adjudicate petitions neutrally, without the presumption of fraud or guilt. Adding this layer of antagonism toward immigrants will surely disincentivize eligible immigrants from applying for their rightful immigration benefits. Especially among our vulnerable and traumatized clients, adding this layer of surveillance, antagonism, and presumed guilt will likely be retraumatizing. USCIS should be the agency that finally gives our asylee clients hope, not yet another abusive force in their lives.**   1. **The USCIS Tip Form Misuses USCIS Resources**   Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.[[59]](#footnote-60) Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.  **For example, Oasis applicants for lawful permanent residency are waiting over 2 years for adjudication of their applications, even after paying over $1200. The delay in adjudication means our clients have to pay for unnecessary work permits and travel documents, thus harming their ability to advance in their careers and contribute more fully to the U.S. economy. USCIS should focus on its existing statutory duties and its mandate to adjudicate petitions in a timely manner.**  Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.   1. **The USCIS Tip Form violates due process** 2. The USCIS Tip Form is overbroad and vague   USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.   1. Anonymous Reporting Encourages Misuse   The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.  USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.  Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.  **Homophobia and transphobia are rampant even here in the United States, and strangers have attempted to make “reports” to Oasis against our clients. All investigations indicate that is clearly motivated by malice and not by any actual fraudulent claim or issue in the case. Immigrants after often the target of such unfounded claims, and our LGBTQIA+ clients are likely to be targeted more viciously. Adding a new way to “out” or otherwise harm immigrants is an awful waste of taxpayer money.**   1. **The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk**   The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”[[60]](#footnote-61) Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.[[61]](#footnote-62)  To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.  Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, *inter alia,* that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.[[62]](#footnote-63) These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”[[63]](#footnote-64)    This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.[[64]](#footnote-65) DHS’ own guidance instructs:  There are a number of ways DHS employees might receive “tips”  from an abuser or an abuser’s family, such as: calling ICE to report  the victim as illegal, a “landlord” (who may actually be a human trafficker)  calling ICE to report that his “tenants” are undocumented, or providing  information to USCIS rebutting the basis for the victim’s application.  When a DHS employee receives adverse information about a victim  of domestic violence, sexual assault, human trafficking or an enumerated  crime from a prohibited source, *DHS employees treat the information as inherently suspect*.”[[65]](#footnote-66)  **For example, one of our VAWA clients, a survivor of emotional and physical intimate partner violence, was specifically threatened by his husband regarding his immigration status. The husband threatened to call immigration and lie about his status and criminal record in order to get him deported. It is highly likely that such threats would increase with this new avenue for reporting.**  Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions,*which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367.*  The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form.   1. **Information Sharing and Lack of Accountability**   The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.   1. **Conclusion**   Oasis strongly opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on its existing, mandated activities in service of immigrant applicants, instead of developing policies that threaten immigrant communities, waste resources, and undermine due process.  Ari Jones, Esq.  Oasis Legal Services  1900 Addison Street, Suite 100  Berkeley, CA 94704  (510) 666-6687 | **Response:**  Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 60** | **Commenter: Adela Meraz** | **Response:** |
| **04/10/2019** | I am opposed to the creation of and implementation of a USCIS tip form for the following reasons:  1) Encourages Abuse and Profiling  There are already existing mechanisms with questionable effectiveness that raise confidentiality and safety concerns for reporting fraud. There is no justification for further formalizing this process. The form has no criteria or guidelines for submitting fraud requests and will encourage abuse by individuals seeking to harm immigrant communities. For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence nationwide according to the Federal Bureau of Investigations (FBI), and these numbers are severely underreported by the FBIs own admission. The implementation of a tip form that allows for unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of government benefits without any due process or sufficient evidence. This form gives people another government-sanctioned tool by which to submit unsubstantiated and unsolicited information to harass and intimidate immigrants and people of color without consequence.   2) Violates Due Process and Inhibits Transparency This form is overbroad and vague, does not require an individual making a tip to provide their name or contact information, and does not even require that an allegation be made in connection with an application for benefits. The form also provides no definition of fraud, which has a complex definition under the Immigration Act and in case law. It is unclear how the information collected through this form will be used in adjudications and it gives applicants for benefits zero opportunity to learn about derogatory information lodged against them or refute any allegations. Complicating the adjudications with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. In addition, the unsubstantiated information provided may be shared liberally with other law enforcement agencies. Given the impact such information could have on adjudications it is inconceivable that the government does not require even basic evidentiary standards to be met.   3) Violates Confidentiality and Endangers Survivors Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence. At the same time, it created statutory confidentiality protections that prohibits adverse determinations based on information solely provided by a perpetrator or a member of a perpetrators household or family member. This is a vital recognition that perpetrators will try to manipulate legal systems against survivors. Through this form, DHS threatens the statutory protections in VAWA and unlawfully gives perpetrators another tool for abuse, further endangering survivors.  Instead of creating this vague, dangerous an overbroard form, I strongly recommend supporting USCIS's existing services which have been bogged down recently and slower than I have seen in over 10 years.  Sincerely,  Adela D Meraz | All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 056** | **Commenter: Lynn Ludwig** | **Response:** |
| **04/10/2019** | This has all the hallmarks of the Nazi/East German police era of unsubstantiated reports on one's neighbors!! Have we/ have you nothing better to do than to spy on and report on "possible fraud"? Let's start with the big guys at the top instead of praying on poor people trying to live day to day!! | Comment does not reference the information collection. |
| **Comment 055** | **Commenter: Kate Bertino** | **Response:** |
| **04/10/2019** | I am an attorney at a non-profit which specializes in immigration legal assistance for victims of domestic abuse, sexual assault, and human trafficking. Most of my client survivors fear for their safety and well being. Most of them have active Protection from Abuse orders, ordering their abusers to not contact them. Many of them still have their abusers intimidating and interfering with their lives. The new proposed form would give their abusers another tool to traumatize victims. Even if their abuser does not use the form, they will fear that he/she might, which will only add to the emotional trauma the survivors are experiencing. I tell my clients that the United States understands that they are victims of a crime and in most cases, their abuser used their status as weapon against them in his/her campaign of fear and control. This form would undermine that sentiment and allow many abusers and criminals to go unpunished in the United States because their victim is too afraid to speak out, or because he/she is now in detention for immigration violations, which her/his abuser did not allow her/him to rectify. | All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 077** | **Commenter: Marilyn Thompson** |  |
| **04/11/2019** | Re: Public Comment Opposing Form G-1530: USCIS Tip Form OMB Control Number 1615NEW Docket ID USCIS-2019-0001  I am a participant in The Interfaith Coalition on Immigration and a physician with a focus on the humane and just treatment of all. The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits.   USCIS has radically slowed application processing in the past two years. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.  There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion  The Interfaith Coalition on Immigration stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 072** | **Commenter: Richard Blum** | **Response:** |
| **04/11/2019** | I submit this public comment in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   Surveillance of vulnerable minority populations is one of the great scourges of our society. To further contribute to that scourge by encouraging private citizens to spy and report what they think is fraud would yield a legal, moral, and social disaster. I have spent years representing members of vulnerable populations and I know how often people incorrectly believe that they know something about the finances or relationships or other activities of other people and families. These false beliefs tend to echo racial and ethnic prejudice and sexist attitudes. We should be rooting out these practices, not encouraging people to act on their worst instincts.   We should also not be encouraging people to misuse the government in order to act out of spite or vengeance over personal or legal disputes. For example, this system creates a whole new opportunity for employers that engage in illegal practices such as wage theft to retaliate against employees who report violations of the law. It also gives perpetrators of domestic violence a new threat to wield against their victims.   The result of this proposal, if adopted, will be a mountain of misinformation going to CIS, which will then have to assess all of it and inevitably, it will act on a certain percentage of the false information it receives. As a further result, people will be subjected to surveillance, investigation, and intimidation, adding up to a new form of government harassment. And as noted above, even if a given tip yields correct information, there is no way for the government to determine if it was provided in order to further a scheme of unlawful retaliation.   This proposal is a wrong-headed and false solution to a non-existent problem. It does nothing more than add fuel to the fire of racism, sexism, and bigotry. It should be rejected. | USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 073** | **Commenter: Xavier Morales** | **Response:** |
| **04/11/2019** | The Praxis Project submits this public comment in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form  G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  As a leading health justice advocate, **The Praxis Project opposes this proposed change because it poses significant risks to health and safety for individuals and families.** Based on the experiences of our  communities, we are concerned that the type of crowd-sourced immigration surveillance that is being proposed will create a climate of hostility toward anyone who looks like the ‘other.’  Our perspective is informed through interactions with our many base-building grassroots partners around the United States, who are committed to Community Safety. In fact, among our network, Community Safety is the fourth-most frequently-focused on social determinant of health that grassroots  partners are campaigning and/or advocating around. Our grassroots partners and their fellow community members experience intergenerational inequity, injustice and trauma around over-policing: which further manifests as disproportionate incarceration of and **diminished public safety for people of** **color. We fear that this proposal would only exacerbate this inequity.**  We are deeply concerned that USCIS is proposing to transfer its duties to adjudicate (unsubstantiated) requests for immigration benefits, to laypeople who are neither trained nor vetted to investigate suspected or actual fraud by anyone else, let alone the specific target of this proposal - immigrants.  The Department has not offered any justification for further formalizing the existing process under which fraud can be reported. Furthermore, Muslim, Arab, Iranian, Middle Eastern and South Asian  Americans are facing **increasing levels of harassment and violence** per the FBI’s own documentation. Due to this and other evidence of the epidemic of bias and bigotry that is already affecting community members across the country: we do not accept further subjecting immigrants or people who ‘look like immigrants’ to ongoing targeting, scrutiny, surveillance and potential loss of government benefits without a) sufficient evidence and b) due process. This treatment of immigrants and others **would** **constitute government-sanctioned harassment and intimidation.**  In addition, the broadness of the form coupled with the lack of clarity in how the information collected could be used in adjudications - including what opportunities could be offered for applicants to learn about and refute allegations against them - are **unjust per our nation’s existing legal framework** . This is especially concerning given that the form states that information may be shared liberally with other law  enforcement agencies. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.  This proposal increases the potential for heightened abuse and profiling, the inhibition of due process and transparency, and the endangerment of victims of violence such that perpetrators could use this form as an oft-resorted-to tool of abuse discouraging victims’ reporting abuse. This online reporting form would be an **amplification of, rather than a deterrent to, existing health and safety risks** **immigrants face every day.**  This appears to be yet another false solution to an imagined crisis designed to further drive wedges between neighbors and communities. We recommend pursuing policies that unite rather than divide communities and urge you to **rescind this proposal** as it would threaten public health and exacerbate a growing anti-immigrant rhetoric and climate of fear. We also call upon our leaders to **support legal immigration: and to not increase harm through exposing already-vulnerable immigrant children, families and workers to further bias, discrimination and hate.** | USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  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| **Comment 069** | **Commenter: Elena CaJacob** | **Response:** |
| **04/11/2019** | I oppose the implementation of the Tip Form and implore USCIS to withdraw this proposal. Because there are no criteria to use it, the Tip Form encourages unsubstantiated reporting and vigilante-style surveillance and profiling of immigrants and would erode trust of your agency among the immigrants who pay for and access your services daily. It is also ripe for abuse by individuals who wish harm on particular immigrant family members or acquaintances; as a former paralegal in an immigration law office, I observed with alarming frequency a pattern of abusive spouses attempting to get their immigrant spouses deported rather than let them leave the relationship or report the abuse. It is not the work of everyday people to detect and investigate fraud, and this Tip Form is an ineffective and dangerous proposal that should be withdrawn. | All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 071** | **Commenter: Gregory King, Filipinx for Immigrant Rights and Racial Justice (FIRM)** | **Response:** |
| **04/11/2019** | I am writing on behalf of Filipinx for Immigrant rights and Racial justice Minnesota (FIRM) in opposition to the USCIS proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   We are an organization that advocates for the rights of immigrants from the Philippines and are alarmed at the way this proposal institutionalizes the criminalization of immigrant communities and the way it would encourage racial profiling with an avenue for wild, unsubstantiated speculation. Filipinx immigrants already face a lengthy and expensive process to arrive in the USA and gain their citizenship or legal permanent residency. This vehicle for unproven speculation would only further burden our newest immigrants and provide an unaccountable tool for personal vendettas against them.   Not only would this imperil the immigration process of our community members, this form as proposed would divert already scarce USCIS resources away from adjudication of benefits, a process which our community members have already seen radically slowed in the past two years. Thus, the harm is two fold, endangering the immigration status of some community members while lengthening the time required for others to gain their rightful status and benefits. This shift of USCIS away from processing immigration requests and towards enforcement is a gross misuse of resources and is already harming families today.   We are generally alarmed at the anti-immigrant rhetoric and policies that are coming out on a daily basis. We feel the reality that hate crimes and harassment of immigrants are on the rise. We know that the policies which marginalize immigrants only make them more vulnerable to abuse and exploitation. This proposal by USCIS only reinforces that ugliness and would provide no additional benefit beyond already existing mechanisms (such as the HSI Tip Line) for reporting legitimate fraud. For all of these reasons, we urge you to rescind this proposal.  Greg King Executive Director, FIRM | All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  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| **Comment 064** | **Commenter: Kaia Austin** | **Response:** |
| **04/11/2019** | I am a U.S. citizen and I am opposed to this tip form. It would expose the immigrant community to further profiling and is ripe for abuse by anti-immigrant bigots. It is un-American, and would encourage neighbors to turn against neighbors.Immigrants do not deserve to live in fear that their neighbors and community members will anonymously report them based on suspicion or ill-will alone. The USCIS Tip Form proposal is reminiscent of Nazi Germany and I stand opposed to it. | USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  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The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. 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| **Comment 075** | **Commenter: Sam Reese** |  |
| **04/11/2019** | I strongly oppose the use of the new USCIS tip forms. This system would almost certainly be used to seek revenge and personally attack individuals. Our laws should not benefit those who have personal vendettas or animosity towards groups of people. It is highly likely that this system would be abused by individuals and groups. It is not the job of individual citizens to police their neighbors, much less make judgements about another persons immigration status. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  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| **Comment 070** | **Commenter: Elizabeth Jaeger** | **Response:** |
| **04/11/2019** | What is next? Can I submit an unsubstantiated tip regarding suspected fraud by someone who is a member of congress or whom I suspect to be a member of congress? For a member of the US Border patrol or ICE? For an elementary school teacher or someone i suspect to be one? | Comment does not reference the information collection or proposes any changes. |
| **Comment 067** | **Commenter: Ed Dorsaneo** | **Response:** |
| **04/11/2019** | As a victim of immigration marriage fraud, I would support any revision of information so that the accused can confront the accuser and force the accuser to prove their allegations. As it stands now, an immigrant spouse only needs to claim abuse and they are automatically allowed to remain in the country and the US Citizen is then sued for support. This is an outrageous abuse of the process and is nothing more than a scam being run by attorneys, who often receive federal funds. The accused is automatically innocent and does not have to prove anything. The accuser should continue to shoulder the burden. Immigrant spouses should be sent home, where they will be safe. | All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  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| **Comment 074** | **Commenter: Rena Basch** |  |
| **04/11/2019** | Collecting unsubstantiated accusations of fraud from the general public sounds like an affront to the fundamental US constitutional principle of "innocent until proven guilty;" it also sounds like a profound waste of taxpayer money to go and investigate so-called "tips." The proposed form is nothing more than yet another way for the US government to harass law-abiding citizens or immigrants who happen to have different colored skin or ancestry from other parts of the world. Asking the general public to spy on and report on their darker-skinned neighbors is quite reminiscent of Nazi Germany. Do not waste my tax-payer dollars on this clearly bigoted program to generate fake reasons to investigate, charge or deport people. | **Response:**  The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 063** | **Commenter: Anonymous** |  |
| **04/11/2019** | Just how much fear, bigotry, divisiveness, and paranoia can a society stand before it becomes one more country on the brink of civil war or genocide? Arent we supposed to be better than this? | **Response:**    Comment does not propose changes to the information collection. |
| **Comment 066** | **Commenter: Ariana Thompson-Lastad** |  |
| **04/11/2019** | I am submitting this public comment in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   As a health researcher and advocate, I oppose this proposed change because it poses significant risks to health and safety for individuals and families. I am concerned that the type of crowd-sourced immigration surveillance that is being proposed will create a climate of hostility towards non-white people, Muslims, and others who may be deemed as 'others' in our current society.   My perspective is informed by the work of community organizations around the United States that are committed to Community Safety. Many of our community members experience intergenerational inequity, injustice and trauma around over-policing: which further manifests as disproportionate incarceration of and diminished public safety for people of color. We fear that this proposal would only exacerbate this inequity.  I am deeply concerned that USCIS is proposing to transfer its duties to adjudicate (unsubstantiated) requests for immigration benefits to laypeople who are neither trained nor vetted to investigate suspected or actual fraud by anyone else, let alone the specific target of this proposal immigrants.  The Department has not offered any justification for further formalizing the existing process under which fraud can be reported. Furthermore, Muslim, Arab, Iranian, Middle Eastern and South Asian Americans are facing increasing levels of harassment and violence per the FBIs own documentation. Due to this and other evidence of the epidemic of bias and bigotry that is already affecting community members across the country: we do not accept further subjecting immigrants or people who look like immigrants to ongoing targeting, scrutiny, surveillance and potential loss of government benefits without a) sufficient evidence and b) due process. This treatment of immigrants and others would constitute government-sanctioned harassment and intimidation.  In addition, the broadness of the form coupled with the lack of clarity in how the information collected could be used in adjudications including what opportunities could be offered for applicants to learn about and refute allegations against them are unjust per our nations existing legal framework. This is especially concerning given that the form states that information may be shared liberally with other law enforcement agencies. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.  We know from existing health research that discrimination leads to poor physical and mental health outcomes, and that even perceived discrimination can have these negative effects. This proposal increases the potential for discrimination through profiling, the inhibition of due process and transparency, and the endangerment of victims of violence such that perpetrators could use this form as an oft-resorted-to tool of abuse discouraging victims reporting abuse. This online reporting form would be an amplification of, rather than a deterrent to, existing health and safety risks immigrants face every day.  This appears to be yet another false solution to an imagined crisis designed to further drive wedges between neighbors and communities. I recommend pursuing policies that unite rather than divide communities and urge you to rescind this proposal as it would threaten public health and exacerbate growing anti-immigrant rhetoric and a climate of fear. I also call upon our leaders to support legal immigration: and to not increase harm through exposing already-vulnerable immigrant children, families and workers to further bias, discrimination and hate. | **Response:**  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system. Thus eliminating the need for manual entry and saving time.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, they forward to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administration investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), and the federal court system. Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants. In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications. These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners. Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits. In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 068** | **Commenter: Elena Maria Lopez** |  |
|  | Yes, the proposed collection of information/tips on fraud is vital to the functioning of the agency (question no. 1), and the ability of victimized Americans to report such fraud is vital.   Taxpayer-funded immigration advocacy organizations like Asista claim that such fraud reporting components provide a lack of due process for immigrants. Such claims are spurious since foreigners cannot be convicted or deported without the necessary investigations and proof of such immigration fraud. What are you afraid of, Asista? That your clients will start having to properly defend themselves when criminal activities are discovered and clearly documented by federal authorities?   Should someone have told the SEC that Bernie Madoff and his crimes weren't worth reporting? Fraud is fraud -- and fraud is not a victimless crime by any respect.  In terms of the "quality, utility and clarity of the information collected" (question no. 3), such a fraud tip form would better serve its purpose if it provided a direct line and direct contact to the relevant investigations units. American fraud victims often have documentation and evidence they'd like to submit backing up allegations of fraud and would like to provide DHS investigators with the opportunity to properly evaluate such evidence. Yet, hundreds of fraud victims claim they never hear from the DHS when reporting such fraud through existing channels, whether it be online, by phone or mail.  If the DHS is serious about cutting down on immigration fraud, it will do two things: Provide greater resources to investigative units in both ICE and USCIS; Once again start publishing fraud, investigations and enforcement data so the public is aware of the resources devoted -- and the true scope of the immigration fraud problem in the United States.   As long as the DHS lets organizations like Asista stifle the ability to report and investigate fraud, the government fails to work for American constituents, American fraud victims and the public good.  SEE ASISTA"S OFFICIAL PUBLIC PRONOUNCEMENT TO STIFLE FRAUD REPORTING: https://asistahelp.org/comment-today-uscis-fraud-tip-form/ | **Response:**  Comment does not propose changes to the information collection. |
| **Comment 065** | **Commenter: Lenore Millibergity, Immigrant Law Center Minnesota** |  |
| **04/11/2019** | *Submitted via www.requlations.gov*  Samantha Deshommes, Chief  Regulatory Coordination Division, Office of Policy and Strategy  U.S. Citizenship and Immigration Services  Department of Homeland Security  20 Massachusetts Avenue NW  Washington, DC 20529-2140  Re: Public Comment Opposing Form G-1530: USCIS Tip Form  OMB Control Number 1615—NEW  Docket ID USCIS-2019-0001  Dear Ms. Deshommes:  I am writing on behalf of the Immigrant Law Center of Minnesota (ILCM) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services  (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  This online tip form appeals to the anti-immigrant voices who continue to use the internet and social media to attack immigrants and immigrant-serving organizations. We have been the target of two such attacks on social media in recent months. Both required time and resources to respond, taking up not only our own time but also the resources of local police and other organizations. Although our staff are highly trained and professional, these threats created uneasiness and even fear. The online tip form would give an additional weapon to anonymous and pseudonymous purveyors of hate.  **l. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process**  USCIS's primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.' Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other  sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3  Although Minnesota is a state that has welcomed immigrants and refugees, we have also experienced this harassment and violence targeting immigrants. Last year, the Dar al Farooq mosque was fire-bombed by anti-immigrant forces.4 Last month, individuals harboring animus against immigrants and immigrant communities created on-line videos and also made fraudulent police reports based on Twitter threats that they themselves created.5 Anti-immigrant speakers regularly traverse the state.6 Attacks on immigrants are both physical' and verbal.5  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals  face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  Even immigrants who are U.S. citizens report fear when they face suspicions and accusations, as described by Minnesota State Representative Alice Mann in a floor debate this month. Representative Mann immigrated from Brazil 31 years ago. Now a U.S. citizen, she described being told that she needed to produce additional documentation when renewing her U.S. passport two years ago, because she was "a threat to national security," despite being a citizen for 20 years.  "When I was told that I needed to come up with that paperwork, I was scared," she said. "And I can only imagine the level of fear that other people live with every day."  An online tip line open to any anonymous hater will only increase and intensify fear for immigrants who will be targeted by those haters.  **11. The USCIS Tip Form Misuses USCIS Resources**  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.9  We have seen U-Visa and naturalization cases slowed dramatically as USCIS backlogs grow. Adding one more way for anonymous tipsters to harass immigrants will only add to USCIS  burdens without substantially aiding in enforcement. Moreover, by creating an "other" category, USCIS is opening its reporting to claims with no  connection to fraud, instead creating yet another avenue for bigotry and harassment.  **111. The USCIS Tip Form violates due process**  A. The USCIS Tip Form is overbroad and vague  USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits.  B. Anonymous Reporting Encourages Misuse  The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.  As we experienced in our office as recently as one month ago, the internet offers wide scope for abuse by individuals who have no regard for truth and care only about promoting an antiimmigrant agenda. This tipline would offer a convenient forum for such individuals to anonymously mount continuing and widespread harassment of immigrants and their families  through baseless claims.  **IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk**  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors. Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.'  Working with survivors of abuse, attorneys at ILCM have seen multiple instances of abusers threatening "I'll report you to ICE" or "If you call the police, I'll have you deported."  Congress created special immigration protections in the Violence Against Women Act (VAWA)  for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.  Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, *inter alia,* that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator's household or family member." These protections, codified at 8 USC § 1367 are "designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims."12  DHS own guidance instructs:  There are a number of ways DHS employees might receive "tips"  from an abuser or an abuser's family, such as: calling ICE to report  the victim as illegal, a "landlord" (who may actually be a human trafficker)  calling ICE to report that his "tenants" are undocumented, or providing  information to USCIS rebutting the basis for the victim's application.  When a DHS employee receives adverse information about a victim  of domestic violence, sexual assault, human trafficking or an enumerated  crime from a prohibited source, *DHS employees treat the information as*  *inherently suspect."13*  Creating an anonymous tipline undercuts these provisions, eviscerating the protections afforded by law, which are essential to the victims of trafficking and domestic violence.  **V. Information Sharing and Lack of Accountability**  The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 076** | **Commenter: Beth Raps** |  |
| **04/11/2019** | Please no, this is a terrible idea, rife with possibilities for harassment as others have commented, and with very little to recommend it. | **Response:**  Comment does not address changes to the information collection. |
| **Comment 079** | **Commenter: Rabbi Debra Kolodny, As the Spirit Moves Us** |  |
| **04/12/2019** | *Submitted via**[www.regulations.gov](http://www.regulations.gov)*    Samantha Deshommes, Chief  Regulatory Coordination Division, Office of Policy and Strategy  U.S. Citizenship and Immigration Services  Department of Homeland Security  20 Massachusetts Avenue NW  Washington, DC 20529-2140    Re: Public Comment Opposing Form G-1530: USCIS Tip Form  OMB Control Number 1615–NEW  Docket ID USCIS-2019-0001  Dear Ms. Deshommes:  I am writing on behalf of As the Spirit Moves Us in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  As the Spirit Moves Us teaches, consults, blogs, speaks publicly and worships to inspire personal and collective action on issues that are front and center on the minds of Americans. Today these include racial and economic justice, immigration rights, LGBTQ rights, health care for all, affordable quality education for all, safe air, water and food, an end to poverty, an end to war and more as we banish isolation, confusion, hopelessness, frustration and overwhelm.   1. **The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process**   USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.[[66]](#footnote-67) Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.[[67]](#footnote-68) There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.[[68]](#footnote-69) For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.[[69]](#footnote-70) Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.[[70]](#footnote-71) These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.[[71]](#footnote-72)  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.   1. **The USCIS Tip Form Misuses USCIS Resources**   Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.[[72]](#footnote-73) Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.  Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.   1. **The USCIS Tip Form violates due process**   The USCIS Tip Form is overbroad and vague.  USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.  Anonymous Reporting Encourages Misuse  The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.  USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.  Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.     1. **The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk**   The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”[[73]](#endnote-2) Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.[[74]](#endnote-3)  To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.  Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, *inter alia,* that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.[[75]](#endnote-4) These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”[[76]](#endnote-5)    This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.[[77]](#endnote-6) DHS’ own guidance instructs:  There are a number of ways DHS employees might receive “tips”  from an abuser or an abuser’s family, such as: calling ICE to report  the victim as illegal, a “landlord” (who may actually be a human trafficker)  calling ICE to report that his “tenants” are undocumented, or providing  information to USCIS rebutting the basis for the victim’s application.  When a DHS employee receives adverse information about a victim  of domestic violence, sexual assault, human trafficking or an enumerated  crime from a prohibited source, *DHS employees treat the information as inherently suspect*.”[[78]](#footnote-74)  Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions,*which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367.*  The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form.   1. **Information Sharing and Lack of Accountability**   The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.   1. **Conclusion**   As the Spirit Moves Us stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits.    Rabbi Debra Kolodny    Executive Director | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 082** | **Commenter: Madison Hardee, Center for Law and Social Policy (CLASP)** |  |
| **04/12/2019** | April 11, 2019  *Submitted via www.regulations.gov*  Samantha Deshommes, Chief  Regulatory Coordination Division, Office of Policy and Strategy  U.S. Citizenship and Immigration Services  Department of Homeland Security  20 Massachusetts Avenue NW  Washington, DC 20529-2140  Re: Public Comment Opposing Form G-1530: USCIS Tip Form  OMB Control Number 1615–NEW  Docket ID USCIS-2019-0001  Dear Ms. Deshommes:  The Center for Law and Social Policy (CLASP) is grateful for the opportunity to comment on the United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, published in the Federal Register on February 15, 2019.  Established in 1969, CLASP is a national, non-partisan, non-profit, anti-poverty organization that advances policy solutions for low-income people. Our comments draw upon the work of CLASP experts in the areas of immigration and anti-poverty policies. As an anti-poverty organization, we understand the critical importance of ensuring that low-income immigrants are able to obtain immigration benefits for their own economic security as well as that of their families. CLASP opposes the Department of Homeland Security’s proposed Tip Form and we urge that the proposed form be withdrawn immediately. Such reporting is a waste of government resources and will create yet another avenue for bigotry and harassment with serious consequences for individuals and communities of color.  **I. The USCIS Tip Form permits unsubstantiated reporting to USCIS and creates a high likelihood that bias and bigotry will play a role in reporting.**  The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process. USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents  are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 This form gives people another government-sanctioned tool by which to submit unsubstantiated and unsolicited information to harass and intimidate immigrants and people of color without consequence. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  **II. The USCIS Tip Form is a Waste of USCIS Resources and Will Cause Additional Delays**  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of immigration benefits and cause additional delays for families who have already been waiting for far too long. USCIS has radically slowed application processing in the past two years. In fact, four out of the five highest-volume form types increased in processing time by more than 25 percent from 2017 to 2018.7 The wellbeing of many immigrant families depends on USCIS’s efficient adjudication of benefits requests. For instance, processing delays frequently jeopardize the ability of individuals to work, leaving families without a source of income for necessities such as food, housing, and transportation.8 Rather than relieving the backlog, this proposal will exacerbate it by inhibiting efficiency and prioritizing immigration enforcement over the administration of legal immigration benefits. This proposal is just another brick in the Trump administration’s “invisible wall” curbing  legal immigration in the United States.  **III. The USCIS Tip Form is Overbroad and Encourages Misuse**  USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be shared with other law enforcement agencies and used in adjudications.  The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. Furthermore, USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. The failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless  claims with no accountability.  **IV. Conclusion**  CLASP strongly opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine access to critical immigration benefits. We thank you again for opportunity to submit these comments. If you have additional questions, you can contact Wendy Cervantes, Director of Immigration and Immigrant Families, at wcervantes@clasp.org or 202-906-8059. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 084** | **Commenter: Alice Li** |  |
| **04/12/2019** | I strongly oppose this proposed rule because it can very easily be weaponized to harm vulnerable immigrant populations. Trafficking victims, domestic abuse victims, and low-wage workers could easily be threatened and retaliated against using this tip form. This would further abuse, exploit, and harm people who are already suffering. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367. |
| **Comment 102** | **Commenter: Robert Hodara** | **Response:** |
| **04/12/2019** | I am not in favor of this nill that proposes an online tip form.This online tool could be abused by malicious people who may want to bring harm to their neighbors or aquaintances.  I stridently opposs the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits.   Roberta Hodara | All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 087** | **Commenter: Joy Nelson** |  |
|  | As a member of the Inter-faith Coalition on Immigration, MN, I object to the proposed USCIS Tip Form: it doesn't allow the accused to produce evidence that the accusation is true. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), and the federal court system. Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants. In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications. These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners. Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits. In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment 095** | **Commenter: Ester Prins** |  |
| **04/12/2019** | I oppose the proposed Tip Form and urge that the proposed form be withdrawn immediately. Such reporting is a waste of government resources and will create yet another avenue for bigotry and harassment with serious consequences for individuals and communities of color.  1. The USCIS Tip Form permits unsubstantiated reporting to USCIS and creates a high likelihood that bias and bigotry will play a role in reporting.   The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process. USCISs primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are existing mechanisms for collecting information about fraud. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.   According to the DOJ, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. Recent FBI reports show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence; hate crimes against Hispanics and Latino communities have also risen. These numbers are severely underreported, by the FBIs admission. This form gives people another government-sanctioned tool by which to submit unsubstantiated and unsolicited information to harass and intimidate immigrants and people of color without consequence. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without due process that could enable them to refute allegations of fraud.  2. The USCIS Tip Form is a Waste of USCIS Resources and Will Cause Additional Delays  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of immigration benefits and cause delays for families who have already been waiting for too long. USCIS has radically slowed application processing in the past two years. The well-being of many immigrant families depends on USCISs efficient adjudication of benefits requests. For instance, processing delays jeopardize the ability of individuals to work, leaving families without income for basic necessities. Rather than relieving the backlog, this proposal will exacerbate it by inhibiting efficiency and prioritizing immigration enforcement over the administration of legal immigration benefits. This proposal is another brick in the Trump administrations invisible wall curbing legal immigration in the United States.  3. The USCIS Tip Form is Overbroad and Encourages Misuse  USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. USCIS has not provided direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. The form provides no definition of fraud. Additionally, it is unclear how the information collected through the USCIS Tip Form will be shared with other law enforcement agencies and used in adjudications.   The proposed Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. Furthermore, USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. The failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.   4. Conclusion  I strongly oppose the publication of the USCIS Tip Form because it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  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The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 098** | **Commenter: Leslie Carlson** |  |
| **04/12/2019** | The proposed USCIS Tip Form is a terrible idea that will foster misinformation and mistrust. Its stated purpose is poorly conceived. The tip form can readily be used for vindictive and retaliatory purposes, for example, domestic abuse perpetrators seeking to intimidate or control. It would also be a perfect tool for anti-immigrant hate groups or individuals. Thus, it would have little additional practical utility, and would not add to information quality, clarity or utility. We are asked for comments about the public burden, and I suggest that the resulting public burden is an increased climate of mistrust among neighbors and community members. Please reject the USCIS Tip form. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 096** | **Commenter: Arielle Digiacomo** |  |
| **04/12/2019** | I am writing to oppose the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   USCISs primary function, as established by the Homeland Security Act of 2002, is to judge and resolve immigration benefits, not to become yet another enforcement agency. There are already mechanisms in place for collecting information about fraud, and implementing the USCIS Tip Form would not only be redundant, but would be against the primary function of USCIS and open the way for harmful, unsubstantiated reporting. The implementation of the USCIS Tip Form creates a high likelihood that bias and bigotry will play a role in reporting. Without a verbal declaration, there's no way for those submitting these tips to know the immigration status of the potential violator. Given it's unlikely that an illegal immigrant would voluntarily disclose their status, such anonymous tips would be made on the basis of something else, such as the color of the alleged violator's skin or country of origin. Or even, something as petty as a personal grudge. Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBIs own admission. This tip form would only increase the mechanisms for harassment.  Beyond the high likelihood of bias implicit in an anonymous tip system for immigration status, this Tip Form is simply unnecessary. Unlike anonymous tip reporting for violent crimes that cause harm to others, including domestic abuse, immigration status is an issue between the state and the person themselves. The harm done by an individual who has immigrated illegally pales in comparison to the danger done by a false reports, such as increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. These false reports are guaranteed due to the fact that immigration status is a legal status that is non-visual, and practically impossible absent a verbal confession to know.  Finally, this system would enable abuse by those wishing to cause harm to specific people. Even if a person was a legal immigrant, a threat to call the anonymous tip line could be used to intimidate that individual into tolerating abusive behavior. This could be used by abusive spouses, supervisors, family members, and neighbors. Any system in which a person can cause harm without due process invites this kind of abuse. Since the tips are anonymous, there is no recourse for an individual who is falsely accused of being an illegal immigrant, fired from their job, and subject to harassment and abuse. There is no process in which the individuals submitting these tips could be tracked if the tips they submitted were made falsely.  The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.  I oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. There is no need for a system of anonymous tips for immigration status, and no ethical way to eliminate the harm done by false positives, intimidation, and coercion. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017).  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 085** | **Commenter: Carl Reese** |  |
| **4/12/2019** | Number 1615-NEW, Docket ID USCIS-2019-0001.   I am opposed to the USCIS tip form. This plan to use this form is not necessary for the function of the agency and will create a path for misinformation that could lead to abuses of human rights. The data collected is from members of the public who may submit false information either intentionally or unintentionally. False information could lead to people being detained and searched without probable cause. Public citizens can use this form to carry out vendettas based on bigotry among other reasons. It is unconstitutional to detain or search a person based upon race, religion, accent, or language but members of the public can submit complaints against neighbors for any reason. Yet, law enforcement can apprehend people based upon bigoted complaints made using the USCIS tip form. If your neighbor doesnt like you, he or she can send use the tip form for revenge and the DHS becomes a weapon in a feud. Furthermore, a person can use the tip form to report that they dont think their neighbors dont look American enough for their view. If this is carried out, I anticipate a wave of complaints made by white supremacists trying to harass people of color, Jews, Muslims, and anyone that doesnt fit their perception of how their neighbors should look, speak, or worship.   In short please do not implement or use the USCIS tip form as it doing so is an invasion of privacy and allows untrained private citizens to determine probable cause to detain someone. Thank you for your consideration.  Carl Reese, Juneau, Alaska | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements.  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment 091** | **Commenter: Daniel Slimmon** |  |
|  | This system seems like a waste of money.  We have far more interactions every day with non-criminals than we do with criminals. Very few of us have any specialized skill set that would make us able to reliably identify people who are here illegally. And many of us have a tendency to falsely associate surface characteristics, like speaking a language other than English, with illegal immigration.  Taken together, these facts mean that this anonymous tip line will likely receive far more false-positive tips than valid tips. The labor involved in sussing out which tips are real will be absolutely mind-boggling and will offer a terrible return on the tax payer's investment.  What is being done to address this concern and make sure the tip line does not end up a quagmire of useless information? | **Response:**  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system. Thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), and the federal court system. Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants. In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications. These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners. Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits. In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 086** | **Commenter: Vanessa Flores** |  |
| **04/12/2019** | There is no such thing as "immigrant benefit fraud" and those who believe so are just being racist & xenophobic. This proposed form would only increase surveillance, harassment, and abuse towards communities of color. The only purpose this form will serve will be to further white nationalist movement agendas who seek to eliminate communities of color. Immigrants are NOT going around stealing people's jobs, scamming the government, smuggling drugs, or whatever lies are being created to paint them as these terrible creatures.   Immigrants are human beings first and foremost. It's time to start treating them like so. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 093** | **Commenter: Katherine Fennelly** |  |
| **04/12/2019** | Re: OMB Control Number 1615-USCIS Proposal - Docket ID USCIS-2019-0001  As an interpreter in an immigration clinic in New York I can attest to the fears that already exist among many of the thousands of immigrants to whom we offer legal services. Immigrants and their US-born children are already viewed with hostility by some members of the larger community. Advertising and encouraging anonymous surveillance and reporting of presumed violations of visa or benefit regulations will increase this hostility by unfairly branding foreign-born residents as criminals  In my work, rather than observing abuse of privileges on the part of immigrants, I see many cases of the forfeiting of benefits for which our clients or their children are eligible out of fear that it will lessen their chances for positive outcomes on their immigration applications. Furthermore, having these requests for surveillance and anonymous tips come from the same agency that is evaluating their legal applications to remain in the US sends a very unfortunate message that USCIS is hostile to foreign-born residents. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 097** | **Commenter: John Trang** |  |
| **04/12/2019** | I work as a nonprofit lawyer representing workers, mostly low-wage and immigrant workers. Some are undocumented workers. This proposed change is a terrible idea because it is very vulnerable to abuse. Every week I meet workers that did an honest day's work and was not properly paid for. When the workers ask their employers about things like overtime or meal and rest breaks, the employer will respond with threats of deportation, etc. Mind you, the employer many times knows the worker is undocumented and hired that worker because the employer knows the worker will put up with more mistreatment than a documented worker.  This proposed rule will only create a new tool for a vindictive employer to retaliate against a noncitizen including undocumented workers. It is wrong-headed and counter-productive. Please do not proceed with this proposed change. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367. The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 099** | **Commenter: Mass Mail Campaign 1: John Molofsky, Total as of 4/14/2019: 3** |  |
| **04/12/2019** | I am writing to vigorously oppose adoption of OMB control number 1615-NEW, Docket ID USCIS-2019-0001 proposed by the U.S. Citizenship and Immigration Services (the tip form).  The proposal to have people anonymously report others for alleged immigration fraud is a very dangerous drift toward a society of fear, mistrust, division, and will serve to further fray the American social fabric.   People can use this anonymous reporting to retaliate against neighbors they have quarrels with, or because they harbor racist or xenophobic sentiments without regard for the accuracy of their reports. This provision will serve to isolate individuals and undermine the cohesiveness of neighborhoods and communities. It will serve to promote and exacerbate the divisiveness of an already dangerously divided society.  This proposal is eerily reminiscent of the totalitarian, repressive mechanisms of the Gestapo in Nazi Germany, the KGB in the Soviet Union, the STASI in communist East Germany, and the various state agencies in communist China and other totalitarian states, as they encouraged individuals to report others to the state apparatus.  This proposal is an unconscionable attack on our American values, our American ethos, and our American mores. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 088** | **Commenter: Nicole Ochi** |  |
| **04/12/2019** | This is a terrible policy that encourages racial profiling, undermines communities, and can easily be used to retaliate against workers, activists, and victims of crime. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 092** | **Commenter: Joann Bautista, Policy Associate National Justice Center** |  |
| **04/12/2019** | I am writing on behalf of the National Immigrant Justice Center (NIJC) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   The National Immigrant Justice Center is dedicated to ensuring human rights protections and access to justice for immigrants, refugees, and asylum seekers. NIJC provides direct legal services to and advocates for these populations through policy reform, impact litigation, and public education. Since its founding more than three decades ago, NIJC has been unique in blending individual client advocacy with broad-systemic change. NIJC assists more than 10,000 individuals each year with cases ranging from removal defense to asylum to family-based applications.   NIJC is gravely concerned at the potential use of the USCIS tip form and urges the agency to reverse course immediately. This form diverts from USCISs mission of being a benefits orientated agency and subverts those goals toward enforcement. More importantly, the use of this form will have a particularly strong impact on the communities NIJC serves. As this comment will discuss, the form: dangerously encourages the presumption of fraud in the immigration benefits process, misuses USCIS resources, violates due process, threatens VAWA confidentiality and puts survivors at risk, and enables USCIS to freely share information with other law enforcement agencies, including ICE.   For further detailed information about why this tip form is incredibly problematic, I refer you to the attached document.  Sincerely,  Joann Bautista, Policy Associate National Immigrant Justice Center | **Response:**  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system. Thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), and the federal court system. Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants. In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications. These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners. Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits. In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 090** | **Commenter: Cathy Beckley** |  |
| **04/12/2019** | I believe this form could be used to falsely target immigrants. I oppose its distribution and use. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 100** | **Commenter: Laura Martinez** |  |
| **04/12/2019** | This method of collecting information on our immigrant communities will only perpetuate the unsubstantiated claims against them. It will perpetuate the fear of the other toward immigrants of color, especially Hispanics, who will be singled out. We should not be encouraged to spy on our neighbors. This sets a dangerous precedent. It will impact immigrants who may be afraid to access services they or their children can be eligible for. As an advocate I have already seen how this fear impacts the health and safety of our communities. Please reconsider this policy. | **Response:**  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system. Thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 083** | **Commenter: Zachary Boger** |  |
| **04/12/2019** | I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. The persons reporting a suspected immigration issue would have no cause to assume the immigration status of the potential violator absent a verbal declaration. There is no reason to believe any illegal immigrant would voluntarily disclose their immigration status, and so it stands to reason that anonymous tips would be made on the basis of something else, such as the color of the alleged violator's skin or country of origin.  Secondly, in addition to the high likelihood of bias implicit in an anonymous tip system for immigration status, I oppose the proposal on the basis of necessity. There is no valid reason to create such a system where people report on each other's immigration status. Unlike anonymous tip reporting for other criminal activities like domestic abuse, or other violent crimes where a failure to report could cause harm or damage to others, immigration status is an issue between the state and the person themselves. There does not exist a situation in which someone's immigration status could cause harm to another person. Surely an immigrant is breaking the law if they reside in the country illegally, but that does not justify creating a system in which others are encouraged to report on their neighbors, coworkers, and family members in order to catch them. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. The harm done by an individual who has immigrated illegally pales in comparison to the danger done by a false positive report. And as discussed above, false reports are guaranteed due to the fact that immigration status is a legal status that is non-visual, and practically impossible absent a verbal confession to ascertain.  In order for this policy to be effective, it must reduce more harm than it causes. I have established that these anonymous tips would be subject to racial profiling, and those falsely accused would undergo a real loss of quality of life without due process. Finally, I will discuss the possibility of the system for specific abuse by those wishing to cause harm to specific people, in addition to the cases where harm would be caused to someone solely on the basis of the color of their skin or real or perceived country of origin. If there exists a system in which real consequences can be meted out to individuals without due process, it will become a prime target for those wishing to control or intimidate specific people. Even if a person was a legal immigrant, a threat to call the anonymous tip line could be used to intimidate that individual into, for instance, performing sexual favors or tolerating abusive behavior. This could and would be used by abusive spouses, supervisors, family members, and neighbors. Any system in which a person can cause harm without due process invites this kind of abuse. Since the tips are anonymous, there is no recourse for an individual who is, for instance, falsely accused of being an illegal immigrant, fired from their job, and subject to harassment and abuse. There is no process in which the individuals submitting these tips could be tracked if the tips they submitted were made falsely.  For all of the reasons listed above, this system is unnecessary (because the immigration status of others does not cause direct harm to anyone), unfair (because immigration status is unknowable absent a confession, and so accusations would by their very nature likely be based on skin color, language, or real or perceived country of origin), unjust (because allegations would cause harm to the accused without due process, and false accusations could not be tracked or punished for submitting false reports), and encourage abuse of the system (because even false allegations would cause harm, the threat of submission of an anonymous tip could be use to intimidate or coerce, and would hamper the ability of victims of sexual assault or domestic violence to come forward). Even if the goal of this policy is to reduce illegal immigration, the mechanism it uses to achieve such a goal is fundamentally flawed and will cause much more harm than it prevents. Those that are unjustly punished by abuse of this system are worthy of and entitled to due process. There is no need for a system of anonymous tips for immigration status, and no ethical way to eliminate the harm done by false positives, intimidation, and coercion. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  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The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  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| **Comment 094** | **Commenter: Lawrence E. Couch, The National Advocacy Center of Sisters of the Good Shepherd (NAC)** |  |
| **04/12/2019** | April 12, 2019   Samantha Deshommes Chief, Regulatory Coordination Division Office of Policy and Strategy Department of Homeland Security U.S. Citizenship and Immigration Service 20 Massachusetts Avenue NW Washington, D.C. 20529-2140  Dear Chief Deshommes:  RE: Agency Information Collection Activities; New Collection: USCIS Tip Form   OMB Control Number: 1615-NEW; Agency: USCIS; Docket ID: USCIS-2019-0001  The National Advocacy Center of the Sisters of the Good Shepherd (NAC) questions the need for the new USCIS Tip Form and appreciates the opportunity to submit this official comment against the proposed form.  The draft form itself notes in the beginning that tips on human smuggling/and human trafficking, national security or public safety should not be reported using the new draft form because there are other official avenues already in place. The form then continues directing tips concerning suspected fraud, immigration scams, and the unauthorized practice of law related specifically to proceedings before the immigration courts, the Board of Immigration Appeals, or the Office of the Chief Administrative Hearing Officer to other offices. Again, reporting processes already are in place.  This new Tip Form is excessive, with plenty of other avenues for complaints already in place. Furthermore, the form is lacking in specificity and important details making its useful questionable. Much legwork would be needed to investigate any claim, taking vital time away from an already overworked agency.   As it stands, with such minimal requested information and no way to confirm the authenticity of the complaints, the form itself becomes a battering ram to threaten vulnerable populations. What is to happen to those survivors of abuse who are recipients of special immigration protections thanks to the Violence Against Women Act? Many are going to be harassed and threatened all over again and their futures could be at risk. In addition, the confidentiality of their cases will be violated.  A strong and free country such as the United States of America should keep survivors and all vulnerable populations safe. And it is our moral duty to do so.  The National Advocacy Center (NAC) educates and advocates on social justice issues for the transformation of society to the benefit of all people reflecting the spirituality, history and mission of the Sisters of the Good Shepherd. NAC advocates at the federal level for people living in poverty, immigrants, survivors of human trafficking, survivors of domestic abuse, and other vulnerable populations.  The Sisters of the Good Shepherd was founded in France in 1835 and is in over 70 countries on 5 continents. It has had a presence in the United States for over 175 years. With a presence in 22 states and 1 U. S. Territory, the Sisters and their Lay Mission Partners have dedicated themselves to serving girls, women and families who experience poverty, exploitation, vulnerability and marginalization.   The Sisters and their Mission Partners work with immigrants, refugees and with new Americans. We understand that borders are man-made, but a persons human dignity is God-given. If we respect the human person, then ultimately our country and the whole world will be the better.   Thank you for your consideration of these comments.  Sincerely, Lawrence E. Couch Director National Advocacy Center of the Sisters of the Good Shepherd | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  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| **Comment 078** | **Commenter: Tom Cook** |  |
| **04/12/2019** | This form encourages more marriage fraud by immigrants, & not allowing their American spouse to submit evidence that their claims of abuse are not true. Only allowing immigrants to tell their side of the claimed abuse. | **Response:**  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment 081** | **Commenter: Douglas Reese** |  |
| **04/12/2019** | I think this is a terrible idea. I don't want neighbors reporting on neighbors. There is so much potential for abuse. | **Response:**  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment 089** | **Commenter: Christopher Lapinig** |  |
| **04/12/2019** | This is a terrible idea meant only to sow fear among citizens and non citizens alike about the supposed risk of noncitizens committing crimes. No adequate justification has been given as to why crimes committed by noncitizens should be treated differently from crimes committed by citizens. This tip form is not necessary. | **Response:**  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017). |
| **Comment 080** | **Commenter: Irena Sullivan, Tahirih Justice Center** |  |
| **04/12/2019** | April 11, 2019  Samantha Deshommes, Chief  Regulatory Coordination Division, Office of Policy and Strategy  U.S. Citizenship and Immigration Services  Department of Homeland Security  20 Massachusetts Avenue NW  Washington, DC 20529-2140  *Submitted via http://www.regulations.gov*  **Re: Comments in response to proposed Form G-1530: USCIS Tip Form / OMB Control Number 1615–NEW / Docket ID USCIS-2019-0001**  Dear Ms. Deshommes:  I am writing on behalf of the Tahirih Justice Center (Tahirih) to express our firm opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposed new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  Tahirih is a national, nonpartisan policy and direct services organization that has assisted over 27,000 immigrant survivors of gender-based violence over the past 22 years. Our clients endure unimaginable atrocities such as human trafficking, domestic violence, forced marriage, and sexual assault. Perpetrators of such abuses notoriously threaten to report victims to immigration authorities to further exploit and punish them. The proposed form will embolden violent abusers and make it easier for them to carry out their threats.   1. USCIS Should Withdraw Proposed Form G-1530   Tahirih urges USCIS to withdraw proposed Form G-1530, as it provides yet another mechanism for perpetrators of gender-based violence to use threats of deportation to manipulate victims with impunity. USCIS adjudicators of U and T visa petitions and “battered spouse” self-petitions are acutely aware that abusers deliberately use threats of deportation to deter survivors from seeking help or reporting abuse to the police. According to DHS itself, “Abusers often claim their marriage is fraudulent in order to exact revenge or exert further control over the victim.”i  To protect survivors in this context, a bipartisan Congress passed the Trafficking Victims  Protection Act (TVPA) and the Violence Against Women Act (VAWA). Among other things, VAWA Section 1367 shields survivors from “an OMB Control Number 1615–NEW / Docket ID USCIS-2019-0001  adverse determination of admissibility or deportability” based solely on information an abuser provides to DHS. This protection is so fundamental that it even attaches to survivors of domestic violence who have not yet formally requested immigration relief on that basis.ii Again, DHS acknowledges that:  Violations of Section 1367 could give rise to serious, even life-threatening, dangers to victims and their family members. Violations compromise the trust victims have in the efficacy of services that exist to help them and, importantly, may unwittingly aid perpetrators retaliate against, harm or manipulate victims and their family members, and elude or undermine criminal prosecutions.iii  Perpetrators of gender-based violence go to great lengths to punish and control victims. Some fabricate serious criminal charges against victims to deliberately heighten their risk of deportation. Tahirih is aware of an example where an abuser planted drugs in his wife’s car, and then smashed her tail light to get her pulled over and arrested. In another example, an abuser set fire to his home himself and called the fire department to report that his wife had done it. She was arrested and jailed for weeks.  While the anonymous phone “tip” line already exists, allowing individuals to call in tips to the Department of Homeland Security (DHS), publication of the proposed USCIS form will increase the frequency with which abusers use our immigration system to harm victims. More reports to DHS, particularly those that are anonymous, will inevitably increase DHS violations of the VAWA protections described above, and will result in increased liability for DHS.  II. In the Alternative, if USCIS Does Implement the Use of Form G-1530, the Form Should Not be Anonymous so that DHS can Maximize Compliance with VAWA.  While we urge USCIS to withdraw publication of Form G-1530, if USCIS ultimately does implement its use, the person submitting the form should be required to provide:  • his/her name and contact information;  • a certification under penalty of perjury that he/she is not the abuser or trafficker of the subject of the tip;  • the relationship between him/herself and the subject of the tip; and  • the age of the subject of the tip.  The proposed form itself encourages those who use it to provide as much detail as possible, emphasizing that USCIS prioritizes “protecting the integrity of the immigration process.” Requiring this information from those reporting tips, rather than making it merely optional, will deter abusers and traffickers from using the form to punish victims. Bad actors will be forced to use the form at their own peril. This will reduce potential VAWA Section 1367 violations by DHS, directly serving USCIS’ goal of optimizing integrity within the immigration system. Where a perpetrator still opts to submit the form, the nature of the information provided, eg, the relationship between submitter and subject of the form, could provide a ‘red flag’ for DHS to identify a potentially abusive situation.  Finally, the form, if implemented, should include a signed statement/warning regarding “knowingly providing false information” modeled after the following, included in the Immigration & Customs Enforcement-Homeland Security Investigations “tip” form:  The information I've provided on this form is correct to the best of my knowledge. I understand that providing false information could subject me to fine, imprisonment, or both. (Title 18, U.S.C. § 1001).iv  We are grateful for your careful consideration of our comments, and please contact me at irenas@tahirih.org or 571-282-6180 for additional information or if you have any questions.  Respectfully,  Irena Sullivan  Senior Immigration Policy Counsel | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367. |
| **Comment 101** | **Commenter: Samantha Searls** |  |
| **04/12/2019** | Creating an anonymous complaint form is a dangerous road to travel down. Anonymity will bring domestic violence abusers, hostile landlords, and disgruntled members of the public to put the status and well-being of an immigrant at risk. It will be used as a tool of retaliation and will send the message that we do not care about immigrants. There are real issues in the country, and creating and monitoring a form like this takes precious taxpayer money away from addressing actual problems. | **Response:**  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 159** | **Commenter: Cherry Militello** |  |
| **04/15/2019** | Agency Information Collection Activities: New Collection: USCIS Tip Form | **Response:**  Comment does not address changes to the information collection. |
| **Comment 143** | **Commenter: Sawson Gholami** |  |
| **04/15/2019** | This proposal is unjust and I strongly oppose it. | **Response:**  This comment does not address the information collection. |
| **Comment 129** | **Commenter: Sandye Renz** |  |
| **04/15/2019** | I oppose the tip form with no reservations. This is a repulsive tactic used by repressive governments. There is no accountability with these actions and history has proven that this perverse tactic undeniably results in further injustices against everyone, immigrants or not.  Sincerely, Sandye Renz | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment** | **Commenter: Ames Simmons, Equality North Carolina** |  |
| **04/15/2019** | April 15, 2019  Samantha Deshommes  Regulatory Coordination Division  Office of Policy and Strategy  U.S. Citizenship and Immigration Services  Department of Homeland Security  20 Massachusetts Ave N.W.  Washington, DC 20529-2140  Submitted via regulations.gov  **RE: Comments on Form G-1530: USCIS Tip Form**  OMB Control Number 1615–NEW  Docket ID USCIS-2019-0001  To whom it may concern,  Equality North Carolina writes today to express our opposition to the Department of Homeland Security  (DHS) U.S. Citizenship and Immigration Services (USCIS) proposed Form G-1530 USCIS Tip Form,  published in the Federal Register on February 15, 2019.  Equality North Carolina works to secure health, safety and equity for lesbian, gay, bisexual, transgender  and queer (LGBTQ) North Carolinians. Equality NC is often contacted to support immigrants who identify  as LGBTQ, whether that is because they need a letter of support for an asylum application, help with  contacting local law enforcement after a hate crime, or assistance with bringing attention to the  detention and deportation of a same-sex spouse. Everyone in the immigrant community holds a  marginalized identity in a country whose federal government does not seem to support their presence  here, and immigrants who identify as LGBTQ are exponentially more marginalized due to the  interlocking oppression of ethnicity, immigration status, sexual orientation and/or gender identity.  **I. USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration**  **benefits process.**  USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate  immigration benefits. There are already existing mechanisms for collecting information about fraud,  such as the HSI Tip Line. Creating another avenue to invite the public to submit unsubstantiated reports  of fraud about individual immigrants not only creates unnecessary redundancies but also significant  harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by  racial, ethnic, or religious animus. For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian  communities face targeted harassment and violence at alarming rates, particularly in the last few years,  like many other communities of color and immigrant communities. Recent reports from the Federal  Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian  Americans are facing heightened levels of harassment and violence, and these numbers are severely  underreported by the FBI’s own admission. Similarly, the FBI reports that hate crimes against Hispanics  and Latino communities have risen nationally. These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.  In addition to crimes committed because of race, ethnicity, or ancestry, hate crimes because of sexual  orientation and/or gender identity are also on the rise, and comprise 17% of hate crimes reported to the  FBI.6 Many survivors of crimes reported to the FBI may hold multiple identities, such as being an  immigrant, a person of color, and LGBTQ. In our experience, transgender immigrants in North Carolina  are reluctant to report to local law enforcement, because sometimes no action is taken when they do,  not even a case number issued or a report written. In many cases, when LGBTQ communities of color  call law enforcement, they end up being arrested instead of the aggressor.  The implementation of the USCIS Tip Form would permit unsubstantiated reporting to USCIS, the agency  with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a  role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  **II. USCIS Tip Form misuses USCIS resources.**  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take  away from adjudication of benefits. USCIS has radically slowed application processing in the past two  years. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a  system that already suffers from backlogs and lack of transparency will harm applicants and their  families.  Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on  claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is  opening its reporting to claims with no connection to fraud, instead creating yet another avenue for  bigotry and harassment with serious consequences for LGBTQ people, communities of color, and  government administrators.  **III. USCIS Tip Form violates due process.**   1. USCIS Tip Form is overbroad and vague.   USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made  in connection with a pending application for benefits. The form also provides no definition of “fraud,”  which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how  the information collected through the USCIS Tip Form will be used in adjudications.  B. Anonymous reporting encourages misuse.  The proposed USCIS Tip Form requests that individuals provide their name and contact information but  does not require that information for a report to be made. Thus, USCIS has no formal mechanism to  follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory  information lodged against them or refute any allegations.  USCIS has not provided any information how it will handle and respond to these anonymous tips. It is  unknown what mechanisms are in place for USCIS to determine the validity of information provided by  anonymous tips and to accurately assess whether they are impermissibly motivated. Without this  information, it is unclear whether reported individuals will have any access to due process or any  recourse against false reports.  Furthermore, the failure to collect information from the person completing the form creates a likelihood  that those targeting individuals based upon racism and bigotry will have the option of submitting  numerous baseless claims with no accountability.  **IV. USCIS Tip Form threatens VAWA confidentiality and puts survivors at risk.**  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the  immigration system against survivors, without consequence or repercussion. This is extremely  problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants  use is the threat of deportation.” Abusers often threaten survivors that if they go to police or the court  they will be arrested because they are undocumented, or threaten to call immigration enforcement to  have survivors arrested or deported. The National Coalition of Anti-Violence Programs reported that  the rate of reporting by undocumented immigrants who were survivors of intimate partner violence  more than doubled from 2014 to 2015, from 4% to 9%.  To combat this, Congress created special immigration protections in the Violence Against Women Act  (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence  to allow survivors to seek protection without fear of deportation.  Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also  created confidentiality protections that mandate that the government not to make adverse  determinations based on information solely provided by an perpetrator or a member of a perpetrator’s  household or family member. These protections are “designed to ensure that abusers and other  perpetrators cannot use the immigration system against their victims.”  This protection applies to abused spouses and children generally as well as to those who are eligible to  apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa  relief. These protections are in place regardless of whether an application for immigration relief is  pending with USCIS. DHS’ own guidance instructs: “There are a number of ways DHS employees might  receive ‘tips’ from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a  ‘landlord’ (who may actually be a human trafficker) calling ICE to report that his ‘tenants’ are  undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When  a DHS employee receives adverse information about a victim of domestic violence, sexual assault,  human trafficking or an enumerated crime from a prohibited source, *DHS employees treat the*  *information as inherently suspect* .”  15  Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under  VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens  statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for  violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to  $5000 per violation under 8 USC 1367.  The obligations of §1367 which Congress has consistently expanded over time are enormously  important to survivors of violence. It is unknown whether or how these protections have been taken  into account in the proposal to publish the fraud tip form.  **V. Information Sharing and Lack of Accountability**  The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared  liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS  has not provided any direction on what types of information should be submitted nor provided a notice  that a submission to this government system is subject to perjury laws.  Thank you for the opportunity to comment on the proposed USCIS Tip Form. We urge USCIS to withdraw  this proposal because it creates additional hardships for immigrant communities and vulnerable people  like LGBTQ immigrants. USCIS should instead develop policies that do not threaten immigrant  communities, waste resources, or undermine due process and access to important immigration benefits.  If you have any questions about our comments and recommendations, please contact Ames Simmons at  ames@equalitync.org.  Sincerely,  Ames Simmons, JD  Policy Director  Equality North Carolina | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 133** | **Commenter: Joshua Press** |  |
| **04/15/2019** | Do not pass this. This is crazy. Lets neighbors be neighbors. Enough. | **Response:**  This comment does not address the proposed information collection. |
| **Comment 152** | **Commenter: Nat Paul, National Survivor Network** |  |
| **04/15/2019** | ***Submitted via******[www.regulations.gov](http://www.regulations.gov)***    Samantha Deshommes, Chief  Regulatory Coordination Division, Office of Policy and Strategy  U.S. Citizenship and Immigration Services  Department of Homeland Security  20 Massachusetts Avenue NW  Washington, DC 20529-2140    Re: Public Comment Opposing Form G-1530: USCIS Tip Form  OMB Control Number 1615–NEW  Docket ID USCIS-2019-0001  Dear Ms. Deshommes:    I am writing on behalf of the National Survivor Network (NSN) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  The NSN is a Survivor Leadership Program of the CAST. In February 2011, CAST launched the NSN in an effort to foster connections between survivors of diverse forms of human trafficking and to build a national anti-trafficking movement in which survivors are at the forefront and recognized as leaders. Members of the NSN include survivors with various backgrounds and origins spanning 24 countries. Active members currently reside in over 38 states including. The NSN’s diverse membership makes it uniquely representative of the myriad of situations experienced by survivors of human trafficking. By connecting survivors across the country, the NSN supports and encourages survivors to realize and develop confidence in their own leadership qualities and for others to learn to value their insight not just as survivors but as experts in the field.   1. **The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process**   USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.[[79]](#footnote-75) Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.[[80]](#footnote-76) There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.[[81]](#footnote-77) For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.[[82]](#footnote-78) Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.[[83]](#footnote-79) These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.[[84]](#footnote-80)  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  The skepticism and biased nature of the current system leaves trafficking victims uniquely vulnerable to deportation. If they seek escape from their trafficker, all that is needed is an anonymous tip of fraud for their claim to be dismissed. Victims of traffickers are threatened with deportation and the U.S. government is now complicit in the coercion that keeps them enslaved, as defined by the Trafficking Victims Protection Act and Violence Against Women Act. The current low rate of U-visa and T-visa eligibility and the extremely high rate of deportation of asylum seekers makes the idea of sanctuary an unrealistic option to getting away from their traffickers. Victims have no reason to believe they will receive either freedom or justice. Hearing instances of individuals being anonymously reported for fraud who are eligible for asylum, U-Visa, or a T-Visa under our humanitarian laws that are without question deported based upon their trafficker, abuser, or other anonymous tip perpetuates the cycles of abuse that made them vulnerable to trafficking in the first place. The coercive nature of threats to their deportation is how a perpetrator maintains control and compliance over vulnerable individuals—enabling them with the tools to effectively wield this coercion goes directly against the intent of the Trafficking Victims Protection Act and the Violence Against Women’s Act.   1. **The USCIS Tip Form Misuses USCIS Resources**   Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.[[85]](#footnote-81) Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.  In previous years, victims applying for T-visa were believed; justice and safety were a priority. At times the T-visa would be granted before their Continued Presence was granted. Now, this six to eight-month process can take up to 23 months. The assumption of fraud in every application criminalizes victims with prejudice and the delays in the T-visa process allows them for be deported before the merits of their application can be assessed. The process of filing for these humanitarian protections was originally six to eight months and in several instances that process has exceeded twenty-three months now. There are cases where a T-Visa was granted before the Continued Presence was granted making them eligible to stay in the US while the visa was being processed. When we are running on the premise that fraud is the only reason for applying for humanitarian visas rather than looking into the allegations of domestic violence, human trafficking and need for asylum the process criminalizes victims with prejudice allowing the delays to push through the deportation process.  Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.   1. **The USCIS Tip Form violates due process**    1. The USCIS Tip Form is overbroad and vague   USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.   * 1. Anonymous Reporting Encourages Misuse   The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.  USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.  When a trafficking victim comes into contact with law enforcement, the trafficker would rather sacrifice the victim than bring unwanted attention to their criminal activity. When victims know that the government will assume fraud before seeing them as a victim of crime or abuse, the government becomes complicit in their exploitation. Should they escape, foreign victims of trafficking are acutely aware that there will be no help or support for them in the U.S. This pervasive assumption of fraud and denial of abuse only encourages the perpetrators of crimes to protect themselves and deport the person they are abusing. This emboldens the perpetrators of severe forms of trafficking to continue their coercion based upon threats of deportation. This makes individuals more susceptible to the crimes these humanitarian visas should protect them from.  Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.     1. **The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk**   The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”[[86]](#footnote-82) Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.  To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, *inter alia,* that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.[[87]](#footnote-83) These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”[[88]](#footnote-84)    This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.[[89]](#footnote-85) DHS’ own guidance instructs:  There are a number of ways DHS employees might receive “tips”  from an abuser or an abuser’s family, such as: calling ICE to report  the victim as illegal, a “landlord” (who may actually be a human trafficker)  calling ICE to report that his “tenants” are undocumented, or providing  information to USCIS rebutting the basis for the victim’s application.  When a DHS employee receives adverse information about a victim  of domestic violence, sexual assault, human trafficking or an enumerated  crime from a prohibited source, *DHS employees treat the information as inherently suspect*.”[[90]](#footnote-86)  Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions,*which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367.*  The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form.   1. **Information Sharing and Lack of Accountability**   The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.   1. **Conclusion**   NSN stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 120** | **Commenter: Sherri Jones** |  |
| **04/15/2019** | I am writing to vigorously support adoption of OMB control number 1615-NEW, Docket ID USCIS-2019-0001 proposed by the U.S. Citizenship and Immigration Services (the tip form).  Our citizens shouldn't have to worry about retaliation when reporting immigration fraud. I myself have been open about reporting an Illegal marriage fraud. Something going on in my own family. Plus the fact they(him/his associates) use LLC's to hide money, he plans to sell sponsorship's for tax free money and possible identity theft with those associated with him and in my small community.  Even started a Instagram & Facebook page about it, along with a blog about how bad this situation is for us and so many Americans. There has been RETALIATION against me, including getting one of my Instagram pages taken down, twice now they have tried to use the courts to shut me up.   The first time my daughter, her marriage fraud husband, and his sister/lover/baby mama/lesbian/girlfriend (they have a home together and keep using different titles for her) tried to get a restraining order.  They were all three turned down.  The second time my daughter with so many lies they managed to get a temporary order until I defended myself in court and their lies came out. Some lies so outrageous they wouldn't have came from an American citizen.  He laughs about how he is getting over on immigration. He even admitted to his neighbor he was using his wife for a green card. He has threatened to kill a puppy among other threats.   It's his second marriage in his attempt for a green card. He married his 2nd wife before the ink on the first one was even dry.   When we first met him he was driving for Uber under his brother's name in 2017. After marrying my daughter, the following week he was arrested for Solicitation in Polk county Florida. We then found out he didn't even have a driver's license. He retained a lawyer who told him to go to St. Petersburg Florida to get one, as it's easier there.   My daughter has mental illness and he has used it to his advantage. She left him in October 2018, then in December 2018 he came back, as his hearing is on the horizon. Talked her into leaving the place she was living because they wouldn't let him be added to her lease and he had gotten quite nasty with the female manager there. She left most of her belongings behind. He has promised to pay for her to have skin tightening cosmetic surgery, if she goes along with him.   There are people who know what he has done how he controls her and are afraid to get involved, afraid of his retaliation, the only way these people will report him is anonymously. Don't take that away from them.   There are so many other terrorized VICTIMS of Illegals, who have been hurt and are afraid to come forward why would anyone want to make it harder for them to report immigration fraud. It is our responsibility to protect our citizens.  Nobody should be afraid to report immigration fraud period! | **Response:**  This comment does not address the proposed information collection. |
| **Comment**  **XX.** | **Commenter: Ann Schaetzel** |  |
| **04/15/2019** | As a taxpayer and a citizen, I strenuously oppose the proposed USCIS Tip Form as a wasteful, poorly-designed, costly and dangerous instrument. The instrument would add unnecessary expense to a stressed and overloaded system. It would invite false tips. It is not even-handed: it fails to give individuals a chance to defend themselves against false accusations while opening opportunities to ill-intentioned or ignorant accusers. It would spread the costs of unsubstantiated or malicious claims to other law enforcement agencies, thereby multiplying the costs to society and wasting needed manpower resources.   By allowing anonymous claims, the Tip Form would encourage abuse by predators and sexual offenders seeking to punish or prey upon others, in violation of protections promised by the Violation Against Women Act of 1994. This warrants legal attention.  The Tip Form includes no provision to guard against false and malicious claims. By allowing anonymous tips, it invites spurious claims. This aspect of the tool suggests that the instrument itself may be a tool of intimidation. It suggests a program bias that also calls for legal attention.  Anonymity lopsidedly protecting the accuser while giving no protection to the accused bears a chilling resemblance to the Stasi methods in communist East Germany. This program and these methods do not belong in the United States of America. Please use our taxpayer resources responsibly and effectively, not in this poorly-conceived and harmful way. | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367. |
| **Comment 111** | **Commenter: Kelly McCall** |  |
| **04/15/2019** | I oppose adoption of OMB control number 1615-NEW, Docket ID USCIS-2019-0001 proposed by the U.S. Citizenship and Immigration Services. While efforts to prevent fraud have some public benefit, this proposal seems specifically designed to harass immigrants--NOT to protect my tax dollars. In fact, the potential for wasting tax dollars is huge because of the amount of time, money and resources likely to be wasted chasing down erroneous anonymous reports. This is a bad idea, don't adopt it. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment**  **XX.** | **Commenter: Angie Riddle** |  |
| **05/15/2019** | I teach in a very diverse neighborhood. Immigration policies like this are disruptive to the education of my students. When families are worried about being falsely or otherwise accused of immigration issues, students stay home, afraid. Sometimes they come to school afraid their parents will be captured during the day. One student curled into a fetal position under a classroom table over several days when a parent was suddenly taken. Their family was destroyed by the incident. Please don't do this, it reeks of fascism. We are better than this. Please, don't destroy these children. | **Response:**  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment**  **XX.** | **Commenter: Raqueeb Bey, The Black Urban Gardeners and Farmers of Pittsburg** |  |
| **04/15/2019** | To whom it may concern,  I adamantly disagree with this form. This leads a doorway for inscrutable conduct for extremist who are bigoted against any people of color. This is just another legal way to bring about unfair and unjust systematic behavior of hate groups, who want to disregard those of us who are autochthon to this land. In addition there is no actions setup for liability for false reports.   Regards,  Raqueeb Bey Founder and Executive Director of The Black Urban Gardeners and Farmers of Pittsburgh blackfarmerscoop@gmail.com | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 127** | **Commenter: Daniel Kadishson** |  |
| **04/15/2019** | I oppose this. This form will become an unaccountable way for people to harm each other without due process. We have prospered for hundreds of years without this type of process and we dont need it now. It will encourage profiling and cause communities and even neighbors to distrust and turn on each other. It is un-American. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 157** | **Commenter: Kimberley Breslin** |  |
| **04/15/2019** | I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. I think this proposal is the start of genocidal policies in our nation. I feel that this proposal shows that we have not learned from history. This an extremly xenophobic and horrifying policy and I am completley outraged and ashamed of this policy and the people who put it together. This policy stands against everything the united states should stand for and fundamentally against our morals. It stands against our rights to life, liberty and the pursuit of happiness. | **Response:**  This comment does not address the proposed information collection. |
| **Comment 105** | **Commenter: Dylan Quigley** |  |
| **04/15/2019** | I strongly oppose the the creation of this tip line for the following reasons.  1. It will Sow Distrust and Personal Retaliation into Our Communities Creating an anonymous tip line helps to create a culture of fear in immigrant communities. It creates a weapon which will fuel blackmail, coercion, and extortion. This will promote labor exploitation of undocumented workers and could be used to extract money, sex, or retribution.  2. It will be Unreliable and a Waste of Government Resources Anonymous tips are not presumed to be reliable in the US legal system. In order to act on one, sufficient secondary evidence or indicia of reliability are necessary. There is a high likelihood that members of the public will make inaccurate, and often racially biased reports to the line. The resources that it will take to screen all these calls, and sort the good from junk is immense. These resources should be better spent to support the well being of all Americans, immigrants included. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 119** | **Commenter: Victoria Ferrara** |  |
| **04/15/2019** | OMB Control Number 1615-NEW. USCIS. Docket ID USCIS-2019-0001. Very dangerous idea and unprecedented in the history of USCIS or legacy INS. If implemented, you will receive revenge tips from disgruntled spouses, employers, general racists and the like. Just one more attempt by the current USCIS, an agency tasked with granting benefits, to thwart valid, legal immigration and turn the agency and the general public into immigration enforcement agents. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017). |
| **Comment 155** | **Commenter: Maeraj Sheikh** |  |
| **04/15/2019** | The implementation of this USCIS tip form will perpetuate violent racist practices against people of color. This proposal would enable any person to submit unsubstantiated tips of suspected fraud about immigrants or people who they perceive to be immigrants, to US Citizenship and Immigration Services. This kind of information collection is rarely neutralit not only impacts individuals constitutional rights to due process but also provides an official channel for bigotry and hate against people of color and immigrants, creating a climate of hostility toward anyone who looks like different.' It is absolutely unjust and inhumane. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment**  **XX.** | **Commenter: Connie Veasman** |  |
| **04/15/2019** | I disagree with this proposed regulation. There is no mechanism for determining if the report is authentic or made up to enhance a preconceived idea. I could report anything about anyone and the numbers could be used for any number of bad policy decisions. Very poor way of getting accurate, certifiable information. | **Response :**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment 137** | **Commenter: Zoe Beloff** |  |
| **04/15/2019** | I strongly oppose this proposed rule because it can very easily be used to harm vulnerable immigrant populations by xenophobic and racist citizens of this country. I oppose it because the use of anonymous tips is exactly the kind of scare tactic used by authoritarian governments. Citizens should never ever be asked to act as spies for any reason whatsoever. | **Response :**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information. |
| **Comment 112** | **Commenter: Robert Trachtenberg** |  |
| **04/15/2019** | I comment to oppose the adoption and use of USCIS Tip Form, G-1530. This is an appalling idea that continues moving the federal government down a very dark path. At its best, the United States has welcomed immigrants and refugees, and supported diversity. But using federal employees to extract long-time residents from their communities, from their homes and workplaces, from travelling on the public roads, is reminiscent of Germany in the 1930s and then what Germany did in the countries it occupied. There are over 10 million undocumented residents of the United States. The use of this form would reflect a complete failure to set immigration priorities and would be part of a very misguided operation in which federal employees cast about in random directions, in search of easy targets, tearing apart families and communities, doing nothing to promote public safety, and bringing shame on the country of the Statue of Liberty. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time. |
| **Comment 124** | **Commenter: Richard Barber** |  |
| **04/15/2019** | I strongly object to the implementation of the proposed "tip form". Of all the priorities facing us as we integrate immigrants into our society, I can think of few things less needed and more counter-productive than something that encourages the anonymous reporting of unsubstantiated accusations. The very fact that this is an agency priority adds to the destructive and completely false message that immigrants should be seen primarily as a threat. The proposal is allowing us to harm and destroy lives without identifying ourselves or taking any responsibility, and without giving the accused a chance to know who is accusing them. It gives bad actors the opportunity to target and harm individuals with impunity. It is a step towards turning our nation into a surveillance state where neighbor spies against neighbor. | Response:  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment**  **XX.** | **Commenter: Sharri Anderson** |  |
| **04/15/2019** | I am firmly against the USCIS Tip Form. This tip form is akin to naming Jews in Hitler's Germany, finger-pointing to the KGB in the USSR (or current Russia for that matter), or giving up names in our era of US McCarthyism. It supports racial profiling and encourages an environment of citizen-against-citizen, abuses of power, and blackmail. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 153** | **Commenter: Richard Smith** |  |
| **04/15/2019** | Stop spying on immigrants and people of color. | **Response:**  This comment does not address the proposed information collection. |
| **Comment 144** | **Commenter: Linda A. Heath** |  |
| **04/15/2019** | This proposal would enable any person to submit unsubstantiated tips of suspected fraud about immigrants or people who they perceive to be immigrants, to US Citizenship and Immigration Services. That means that anyone who does not like someone else, or has some kind of problem with another person, can make these claims, even though they are unfounded. This could create many problems for innocent people, not to mention being a huge waste of time and money for the government officials who would have to investigate these spurious claims. All one needs do is look back at Nazi Germany to see why this is NOT a good proposal!  This kind of information collection is rarely neutralit not only impacts individuals constitutional rights to due process but also provides an official channel for bigotry and hate against people of color and immigrants, creating a climate of hostility toward anyone who looks like different. In a country founded by a multitude of people who look different, different should be celebrated! It is our diversity which makes us strong! Let's embrace all people rather than turning some into scapegoats!  Many farm and food chain workers and their families have suffered the consequences of unfair surveillance and criminalization in the guise of immigration reform. These people are doing jobs that many others Americans are unwilling to do, and thus helping to strengthen our country. They should be lauded for what they do rather than scrutinized! | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 117** | **Commenter: Ron Strochlic** |  |
| **04/15/2019** | am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. This form runs counter to USCISs primary function, which is to adjudicate immigration benefits. More importantly, the implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.   Fear associated with the proposed form will drive even more people into the shadows, with negative effects on children, families, communities and businesses. Children and families will experience increased stress and associated physical and mental health problems, as well as reduced access to food assistance, health care and other vital services. Schools will experience reduced funding with likely drops in attendance and children's academic performance will suffer. Employers will experience even greater labor shortages as workers become increasingly fearful of leaving their homes.   History has shown us that abuse of such mechanisms is rampant. Having spent time in Latin America during the 1980's and 1990's, I have witnessed firsthand the widespread abuse use of similar reporting mechanisms on the part of individuals with personal grievances against others - tearing communities apart and putting innocent lives at risk. I urge you to reject this proposal. There is no room for a system like this in a democracy such as ours. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 151** | **Commenter: M S** |  |
| **04/15/2019** | I oppose the proposed Tip Form and urge that the proposed form be withdrawn immediately. Such reporting is a waste of government resources and will create yet another avenue for bigotry and harassment with serious consequences for individuals and communities of color.  1. The USCIS Tip Form permits unsubstantiated reporting to USCIS and creates a high likelihood that bias and bigotry will play a role in reporting.   The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process. USCISs primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are existing mechanisms for collecting information about fraud. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.   According to the DOJ, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. Recent FBI reports show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence; hate crimes against Hispanics and Latino communities have also risen. These numbers are severely underreported, by the FBIs admission. This form gives people another government-sanctioned tool by which to submit unsubstantiated and unsolicited information to harass and intimidate immigrants and people of color without consequence. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without due process that could enable them to refute allegations of fraud.  2. The USCIS Tip Form is a Waste of USCIS Resources and Will Cause Additional Delays  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of immigration benefits and cause delays for families who have already been waiting for too long. USCIS has radically slowed application processing in the past two years. The well-being of many immigrant families depends on USCISs efficient adjudication of benefits requests. For instance, processing delays jeopardize the ability of individuals to work, leaving families without income for basic necessities. Rather than relieving the backlog, this proposal will exacerbate it by inhibiting efficiency and prioritizing immigration enforcement over the administration of legal immigration benefits. This proposal is another brick in the Trump administrations invisible wall curbing legal immigration in the United States.  3. The USCIS Tip Form is Overbroad and Encourages Misuse  USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. USCIS has not provided direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. The form provides no definition of fraud. Additionally, it is unclear how the information collected through the USCIS Tip Form will be shared with other law enforcement agencies and used in adjudications.   The proposed Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. Furthermore, USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. The failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.   4. Conclusion  I strongly oppose the publication of the USCIS Tip Form because it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine access to critical immigration benefits. | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment**  **149** | **Commenter: Donna Selquist** |  |
| **04/15/2019** | Re: Proposed UNFAIR SURVEILLANCE OF IMMIGRANTS AND COMMUNITIES OF COLOR   This proposal would enable any person to submit unsubstantiated tips of suspected fraud about immigrants or people who they perceive to be immigrants, to US Citizenship and Immigration Services.  This kind of information collection is rarely neutralit not only impacts individuals constitutional rights to due process but also provides an official channel for bigotry and hate against people of color and immigrants, creating a climate of hostility toward anyone who looks like different  Many farm and food chain workers and their families have suffered the consequences of unfair surveillance and criminalization in the guise of immigration reform.   What we REALLY need is comprehensive immigration reform, which respects our heritage as a nation of immigrants, and continues to offer legitimate asylum to persons and families fearing or experiencing persecution in their county of origin. All the Republican fear-mongering has got to stop! | **Response:**  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 113** | **Commenter: Richard Cutler** |  |
| **04/15/2019** | This is a form fraught with potential for abuse and revenge. This is a TERRIBLE idea. | **Response:**  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 156** | **Commenter: Aleks kosowicz** |  |
| **04/15/2019** | This proposal (which basically encourages any person to submit unsubstantiated tips of suspected fraud about immigrants, or people who they PERCEIVE to be immigrants, to US Citizenship and Immigration Services) is inappropriate on several levels.  First, it infringes on individuals constitutional rights to due process. Second, taxpayers will foot the added cost of labor required to handle the extra workload--a cost as effective only as much as all those tips are accurate. Lastly, it appears to me to be nothing more than an official outlet for bigotry and hate with regard to minorities and immigrants.  So many farm/food chain workers and their families have already suffered unfair surveillance and criminalization under the guise of 'immigration reform.' For these reasons alone, please reconsider implementing this new collection form. Thank you. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 128** | **Commenter: Judith Young** |  |
| **04/15/2019** | What a terrible idea this is. It is reminiscent of Gestapo Germany or East Berlin where nobody was safe from their own children, neighbors or so called friends.Besides people using this proposal to casuse harm to ohers it is in essence indecent.  Those proposing such a "Tip" proposal ought to be ashamed of themeselves. Vote this down, do not allow it. Judith Young | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 114** | **Commenter: Anne Hall** |  |
| **04/15/2019** | Having practiced law for 38 years, I know from experience that anonymous tips lead to abuse. This proposal is illegal and constitutional as it violates due process under the US Constitution and violates the right to privacy. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment 123** | **Commenter: William Reese** |  |
| **04/15/2019** | This is a really terrible idea. It is not the role of private citizens to spy on their neighbors and create a climate of fear for a community. People can anonymously use their unfounded suspicions and use this process as a tool of retribution for person vendettas. | **Response :**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 116** | **Commenter: Emily Berger** |  |
| **04/15/2019** | I utterly oppose this idea. The idea that we are encouraging people to inform on their neighbors as to their possibly undocumented status will lead to all kinds of abuses, and besides that, is completely UN-American as far as I am concerned. This policy is like those of authoritarian regimes in recent and current history, like the Nazis in Germany, and Stalinist Russia, China, etc. This is the very last thing we as a nation should be doing. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 148** | **Commenter: Mass Mail Campaign 2: Comment Submitted by Sybil Schlesinger, Total as of 4/17/2019: 12** |  |
| **04/15/2019** | This proposal would enable any person to submit unsubstantiated tips of suspected fraud about immigrants or people who they perceive to be immigrants, to US Citizenship and Immigration Services. As this has already happened in some highly publicized cases, this is clearly an invitation to harassment and threats for many many completely innocent people.  This kind of information collection is rarely neutralit not only impacts individuals constitutional rights to due process but also provides an official channel for bigotry and hate against people of color and immigrants, creating a climate of hostility toward anyone who looks like different  Many farm and food chain workers and their families have suffered the consequences of unfair surveillance and criminalization in the guise of immigration reform.   We need to do the opposite: welcome those fleeing for their lives and work these desperate refugees find a place in our beautiful country. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment**  **XX.** | **Commenter: David Disch** |  |
| **04/15/2019** | There should be real evidence if there is a claim of the Violence Against Women Act. VAWA. As a victim of immigration fraud there needs to be real evidence that some sort of act was committed for the immigrant to get a free pass because of VAWA. If you ask a immigration lawyer what a immigrant should do if there spouse refuses to help in the form I-485 adjustment of status or files for divorce before hearing of the I-485. The immigration attorney will tell him or her to file for VAWA. VAWA is ripping off American citizens. | **Response:**  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367. |
| **Comment**  **XX.** | **Commenter: Victoria Neilson** |  |
| **04/15/2019** | USCIS should rescind this rulemaking and cancel its plans to create this form. The notion that anyone can submit anonymous tips based on perceived fraud is Orwellian. This form turns neighbor against neighbor, and gives a direct forum for abusers to make good on threats to turn in undocumented, abused partners.   There is an entire agency, ICE, devoted to enforcement. When DHS was created USCIS was specifically designed to be the benefits adjudication agency, not the enforcement arm. There are historic backlogs in all application adjudication categories at USCIS, it makes no sense to divert resources from adjudication to following up on anonymous tips.  When I was in law school I visited Cuba and there were still "neighborhood watch" groups which reported directly to the government. This tipline feels similarly invasive and anti-American. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017). |
| **Comment 142** | **Commenter: Kerry Hyatt Bennett** |  |
| **04/15/2019** | This is beyond ridiculous, smacks of hate mongering and empowers the growing population of haters to act on their nonsensical bigotry and prejudice. The publication of this form signals another dangerous and insidious shift in USCISs transformation from an agency serving immigrants and adjudicating their applications into an enforcement agency working in tandem with Trumps deportation force. Inviting the public to submit unsubstantiated reports of fraud about individual immigrants is a demonstration of deep cynicism about our immigration system and fulfills the Trump Administrations racist agenda of casting immigrants as suspect and criminal. | **Response :**  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017). |
| **Comment 140** | **Commenter: Comment Submitted by Lisa Splawinski on behalf of The Legal Aid Society of Cleveland** |  |
| **04/15/2019** | April 15, 2019  Samantha Deshommes, Chief  Regulatory Coordination Division, Office of Policy and Strategy  U.S. Citizenship and Iminigratia Services  Department of Homeland Security  20 Massachusetts Avenue NW  Washington, DC 20529-2140  **Re: Public Comment Opposing Form G-1530: USCIS Tip Form**  **OMB Control Number 1615—NEW**  **Docket ID USCIS-2019-0001**  Dear Ms. Deshommes:  I am writing on behalf of The Legal Aid Society of Cleveland in opposition to the  Department of Homeland Security (DHS), United States Citizenship and  Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS  Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001,  published in the Federal Register on February 15, 2019.  The Legal Aid Society of Cleveland provides free legal services to vulnerable low income clients in five counties in Northeast Ohio. Our mission is to secure justice and resolve fundamental problems for those who are low income and vulnerable by providing high quality legal services and working for systemic solutions. Many of our immigrant clients are victims of crime and domestic violence. In 2017, Cleveland Legal Aid handled 227 cases for immigrant clients. Of those 227 immigrants, 54 of them were victims of domestic violence. In fact, 9.44% of the total domestic-violence-related cases that The Legal Aid Society of Cleveland handled in 2017 were for immigrant clients. Many of our immigrant clients, particularly those who are victims of crime and domestic violence, will undoubtedly suffer if the proposed USCIS Tip Form is implemented.   1. **The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process**   USCIS's primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.' Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping  policy changes.' Mechanisms for collecting information about fraud already exist — for example, through the HSI Tip Line, which already operates with questionable effectiveness. Creating another  avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies, but also creates significant harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.' For example, Muslim, Arab, Iranian, Middle Eastern, and South  Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from  he Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers  are severely underreported by the FBI's own admission.' Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.' These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.'  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of  fraud.  Many of The Legal Aid Society of Cleveland's immigrant clients are eligible to apply for immigration benefits under the Violence Against Women Act (VAWA), including VAWA applications themselves for victims of domestic violence at the hands of their U.S. citizen or Lawful Permanent Resident spouses; U visa applications for victims of serious crimes, including domestic violence; and T visa applications for victims of serious forms of trafficking. As part of VAWA, Congress created statutory confidentiality protections that prohibits adverse determinations based on information solely provided by a perpetrator or a member of a perpetrator's household or family member. Congress included the confidentiality protections directly in the statute because it recognized that perpetrators will• try to manipulate legal systems against survivors. Through this proposed tip form, DHS threatens the statutory protections in VAWA and unlawfully gives perpetrators another tool  for abuse, further endangering survivors.   1. **The USCIS Tip Form Misuses USCIS Resources**   Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from USCIS' ability to -adjudicate immigration benefits. USCIS has radically slowed application processing in the past two years.' As of the date of this letter, for example, it is taking the Vermont  Service Center 17 to 22 months to adjudicate 1-360 VAWA applications; 51 — 52 months to adjudicate Prima Facie Determinations for U visa applications; 16 — 23.5 months to adjudicate T visa applications; and 12 — 16 months to adjudicate green card applications for U and T visa holders.'  The Legal Aid Society of Cleveland's clients who are low-income immigrant victims of crime are facing a particularly negative impact as a result of USCIS delayed processing times. Many of our clients are single parents who are the sole providers for their children (almost all of whom were born  in the United States), and the extended wait times for receiving Employment Authorization Documents (EADs) and final decisions on their applications for immigration benefits prevent them from obtaining employment, which in turn prevents them from securing stable housing and school enrollment for their children, medical insurance and drivers' licenses for themselves, and support  services to assist them in responding to the pain and trauma caused by their victimization.  Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an "other"  category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.   1. **The USCIS Tip Form violates due process**    1. The USCIS Tip Form is overbroad and vague   USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of "fraud," which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the  information collected through the USCIS Tip Form will be used in adjudications.   * 1. Anonymous Reporting Encourages Misuse   The proposed USCIS Tip Form requests that individuals provide  their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.  USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.  Attorneys at The Legal Aid Society of Cleveland have already experienced the ways in which abusers and third-party individuals have attempted to communicate unreliable and biased information to us  about our immigrant clients, and the proposed USCIS Tip Forrn would only expand abusers ability to sabotage otherwise bona fide applications for immigration benefits. In one instance, during a hearing for a Civil Protection Order (CPO), the abusive ex-partner of one of Legal Aid's clients  accused the client of lying about the basis for an unrelated asylum application that was pending in the immigration court; in another instance, a Legal Aid attorney received a phone call from an unrelated third-party accusing another client with a pending U visa of committing food starnp fraud.  Both of those accusations were baseless and unrelated to the clients' valid applications for a CPOand U visa, respectively.  Overall, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.   * 1. The USCIS Tip Form Lacks Protections for Accountability   The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.   1. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk   The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponized the immigration system against survivors, without consequence or repercussion. This possibility is extremely problematic and dangerous, as "one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation."' Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.'"  To combat those types of threats, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.  Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, *inter alia,* that the government not to make adverse  determinations based on information solely provided by an perpetrator or a member of a perpetrator's household or family member.' These protections, codified at 8 USC 5 1367, are "designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims."'  This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS." DHS own guidance instructs:  There are a number of ways DHS employees might receive "tips"  from an abuser or an abuser's family, such as: calling ICE to report  the victim as illegal, a "landlore (who may actually be a human trafficker)  calling ICE to report that his "tenants" are undocumented, or providing  information to USCIS rebutting the basis for the victim's application.  When a DHS employee receives adverse information about a victim  of domestic violence, sexual assault, human trafficking or an enumerated  crime from a prohibited source, *DHS employees treat the information as*  *inherently suipect."*  Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, *which are punishable by civil and monetag penalties* *el up to MOO per violation under 8 USC 1367.*  The obligations of 5 1367, which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form.   1. **Conclusion**   The Legal Aid Society of Cleveland opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and-instead work on developing policies that uphold and support  its stated mission of "efficiently and fairly adjudicating requests for immigration benefits.  Sincerely,  Lisinski-  Staff Attorney  216-861-5310  Lisa.splawinski@lasclev.org | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment**  **130** | **Commenter: Anonymous** |  |
| **05/15/2019** | Samantha Deshommes, Chief Regulatory Coordination Division, Office of Policy and Strategy U.S. Citizenship and Immigration Services Department of Homeland Security 20 Massachusetts Avenue NW Washington, DC 20529-2140  Re:Public Comment Opposing Form G-1530: USCIS Tip Form OMB Control Number 1615NEW Docket ID USCIS-2019-0001  Dear Ms. Deshommes:  I am writing as a patriot with a Ph.D. in American and European History to express my strong opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   Our country was developed and strengthened by waves of immigrants (and Africans forced to come as slaves) who came to the U.S. in search of better lives and greater freedoms for themselves and their families. However, at various difficult times in our history (starting with the Alien and Sedition Acts in 1798) elected officials (like our current President) have vilified immigrants and tried to deprive them of their rights. History has not been kind to such leaders and the people who blindly followed their ill-informed and hateful policies. The proposed Tip Form would encourage unsubstantiated and anonymous attacks on immigrants and will revive those shameful periods of our past and endanger the lives of law abiding and productive people. The Tip Form is a tool that is more in keeping with the way despotic regimes in the former USSR and its satellite countries as well as the current Chinese regime sought to maintain power. Simply put it is unnecessary and unAmerican. For the good of our country and your own reputation, I urge you withdraw this ill-conceived Tip Form.  I.The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process There are already mechanisms for collecting information about fraud such as HSI Tip Line. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants would creates unnecessary redundancies and inflict significant harm on immigrant communities.   The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without the defense of due process.  II.The USCIS Tip Form Misuses USCIS Resources  Vetting unsubstantiated tips from anonymous members of the public will take resources away from adjudication of benefits. By creating an other category, USCIS is opening its reporting to claims with no connection to fraud and providing a new avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.  III.The USCIS Tip Form violates due process  A.The USCIS Tip Form is overbroad and vague   USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form provides no definition of fraud.   B.Anonymous Reporting Encourages Misuse  Totalitarian regimes try to stay in power by encouraging and often paying ordinary people to spy on and report their neighbors. In America we fought a Revolution against England to become a nation of laws with due process provisions.  The failure to collect information from the person completing the form creates a likelihood that those unfairly targeting individuals based upon racism and bigotry will be able to submit numerous baseless claims with no accountability.   IV.The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion.   The lack of safeguards to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367.  V.Information Sharing and Lack of Accountability   The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies.   VI.Conclusion  I strongly oppose the publication of the USCIS Tip Form. USCIS should withdraw the USCIS Tip Form immediately. Instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. We are better than this.  Respectfully, \_\_\_\_\_ PH.D. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 161** | **Commenter: Stephen Sleeper** |  |
| **4/15/2019** | Speaking as a 100% permanent and totally Disabled Veteran: I did NOT put my life on the line for this country so bureaucrats could implement this kind of foolishness against ANYONE wishing to be a part of this country. What's the matter with you? DO NOT PASS THIS, you should be ashamed of yourselves for even considering it. This only mocks and disrespects my sacrifice! | **Response:**  This comment does not address the proposed information collection. |
| **Comment 135** | **Commenter: Jose Gutierrez** |  |
| **4/15/2019** | Adopting this proposal is a horrible idea that violates the basic principles of living in a free society. It would result in our country adopting the very practices of the Gestapo in Nazi Germany, the STASI in East Germany and the KGB in the Soviet Union. We are often reminded that our men and women in uniform have given their lives to protect our freedom. What would those words even mean if this proposal is adopted? | **Response:**  This comment does not address the proposed information collection. |
| **Comment 139** | **Commenter: Amanda Baran, Immigran Legal Resources Center** |  |
| **4/13/2019** | I am writing on behalf of the Immigrant Legal Resource Center (ILRC) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. The ILRC is a national non-profit that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The ILRC’s mission is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. Since its inception in 1979, the ILRC has provided technical assistance on hundreds of thousands of immigration law issues, trained thousands of advocates and pro bono attorneys annually on immigration law, distributed thousands of practitioner guides, provided expertise to immigrant-led advocacy efforts across the country, and supported hundreds of immigration legal non-profits in building their capacity. I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. According to the American Immigration Lawyers Association, the overall average case processing time at USCIS surged by 46 percent over the past two fiscal years and 91 percent since FY 2014.8 USCIS processed 94 percent of its form types more slowly in FY 2018 than in FY 2014 and case processing times increased substantially in FY 2018 even as case receipt volume appeared to markedly decrease.9 In addition, the USCIS “net backlog” exceeded 2.3 million delayed cases at the end of FY 2017 amounting to more than a 100 percent increase over the span of one year despite only a four percent rise in case receipts during that period.10 In addition, the processing time for citizenship applications has surged over the past 2 years to over 10 months—double the processing time between 2012 and 2016.11 These processing times are almost sure to keep rising, because the government has not kept pace with the volume of incoming applications.12 Allowing the public to inject anonymous, unsubstantiated tips into a process that is already struggling will unfairly keep applicants in limbo for longer periods of time and prevent them from accessing immigration benefits. Adjudicators will be forced to spend precious time chasing down random bits of information submitted by the public when they should be focusing on making sound determinations. USCIS already overly focuses on fraud detection and adding another unreliable variable into the processing equation will increase delays and cause confusion. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.  IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”13 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.14 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.15 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”16 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.17 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”18 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC § 1367. The obligations of §1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.  VI. Conclusion  The ILRC stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Sincerely, Sameera Hafiz Policy Director Immigrant Legal Resource Center 1015 15th Street, NW, Suite 600 | Washington, DC 20005 Amanda Baran Immigrant Legal Resource Center 1015 15th Street, NW, Suite 600 | Washington, DC 20005 | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 160** | **Commenter: Autumn Woodward** |  |
| **4/15/2019** | I oppose this form, 1615-NEW. It encourages McCarthy Era type behaviour, allowing unsubstantiated claims that can be fueled by the racism and hateful propaganda that is currently issuing from the country's highest offices. Our country needs to restore its legacy of working with immigrant and regugee families. This form is poorly thought through, and will harm our communities. The review states that it will result in no public burden costs. I disagree. It will have deep costs and public burden through encouraging hostility, suspicion and divisiveness in our neighborhoods and is a flawed "tool" without a sound legal framework of accountability and proof. It is more accurately a codified gossip collector, with great vicious potential. The USCIS should serve all of us by working in a professional manner with immigrant families on their applications. Following the psychological torture of immigrant families and children at the border through parent child separation, the spirit of this "Tip Form" is sinister. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 108** | **Commenter: Rochelle Marsh** |  |
| **4/12/2019** | The proposed USCIS Tip Form is the furthering of hate and xenophobia and hate that the administration is trying to drum up in our nation of immigrants. Immigrants are not a danger to our country or its citizens, they are the humans that just want what everyone wants: safety, a chance to make a future for our families. They are the future of our country. More people were killed by lettuce last year than what the administration calls "dangerous" immigrants "invading" our country. Do NOT go any further with any sort of "reporting form" | **Response :**  This comment does not address the proposed information collection. |
| **Comment 154** | **Commenter: Brooke Guthrie** |  |
| **4/15/2019** | This tip sheet will allow racist and bullies to anonymously report lawful citizens without cause. Be it skin color or simply because they dont look like a US Citizen or dont Speak English or have accents. As a US Veteran please tell me what a US Citizen looks like? This is truly scary. This anonymous tip form will allow Bullies and people who may simply not like another person to use the full power of the law to harm another at will. McCarthyism 2019. I never thought that I would live to see this day come in the US. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 118** | **Commenter: Paulette Deyholos** |  |
| **4/13/2019** | I strongly oppose the use of the new USCIS tip forms. This system would undoubtedly be used to seek revenge and personally attack individuals or groups of individuals. Our laws should not benefit those who have personal vendettas or animosity towards other groups of people or individuals. It is highly likely that this system would be abused by individuals and groups. It is not the job of individual citizens to police their neighbors, much less make judgements about another persons immigration status. It seems to me, that this would fundamentally undermined a persons right to privacy. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 145** | **Commenter: Paula Dempsey, Alliance of Baptists** |  |
| **4/15/2019** | Dear Ms. Deshommes: I am writing on behalf of the Alliance of Baptists in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. The Alliance of Baptists is a 32 year old denominational home for 140 progressive Baptist congregations in 28 states within the U.S. who are committed to welcoming the stranger, to love our neighbor as ourselves, and to act justly, love mercy and walk humbly with our God in fellowship with the vulnerable, the outcast, the widow, the orphan, the immigrant and all persons in need. The Alliance of Baptists has gone on record in support of displace person, comprehensive immigration reform, and in opposition to efforts to reduce refugee admissions and resettlement. Within the membership of our churches reside immigrants who stand to be impacted by the proposed USCIS Tip Form that presumes these our church members are fraudulent. We take great offense at this presumption. USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. The USCIS tip form would pit neighbor against neighbor in the communities in which Alliance of Baptists’ churches are located. Our desire is to build community resilience and support – not erode it. I. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Why add another funnel of unreliable data that will have to be administered to an already overloaded staff? Why not focus on the families that are waiting – and have been waiting for a hearing?  Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. II. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. There is already enough fear among the immigrants living in our communities of law enforcement. The addition of the possibility of a neighbor becoming an informant or reporting an individual or family would add one more layer of distrust and fear to an already anxious immigrant population. This anxiety only creates an unhealthy environment for all. Anxiety leaders to disease and the breakdown of already stressed communities. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. III. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and 4 traffickers of immigrants use is the threat of deportation.”8 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”13 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367.  The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. IV. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.  V. Conclusion  The Alliance of Baptists stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 150** | **Commenter: David Newman, The Rafiki Village Project** |  |
| **4/15/2019** | I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.   Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an other category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.  The USCIS Tip Form violates due process. The USCIS Tip Form is overbroad and vague. USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of fraud, which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.   Anonymous Reporting Encourages Misuse. The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.   USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.  Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.   The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation. Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.   Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrators household or family member. These protections, codified at 8 USC 1367 are designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.  The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.   I oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 146** | **Commenter: Anomymous** |  |
| **4/15/2019** | Wow, this is the real "witch hunt" and it's the administration that's engaged in it. How much of the Nazi playbook do you intend to copy and is the ultimate goal fascism in the United States? Because this is yet another big step in that direction.  When did the Executive Branch get taken over by White Nationalists, Neo-Nazis, and agents of Russia and why aren't the people who swore an oath to uphold and defend the Constitution fighting what is clearly a foreign-sponsored attack on our country? The threat to the U.S. doesn't come from poor migrants who've been driven by the ravages of both global climate change and American foreign policies to leave their homes! The threat to the U.S. comes from oligarchs both within the country and outside. And until you start taking that seriously and stop persecuting the poor and sick, women and children, the tortured and threatened, you have absolutely no right to further the Neo-Nazi agenda by giving them a clear paper trail to concentration camps and worse. | **Response:**  This comment does not address the proposed information collection. |
| **Comment 132** | **Commenter: Carolyn Weaver** |  |
| **4/14/2019** | I strongly object to the implementation of any "tip form" as immoral and un-American. Immigrants, whether documented or undocumented, are not a threat. The proposal encourages Americans to anonymously hurt others and destroy families. It is the sort of thing that Nazi Germany, Communist China and Pol Pot's Cambodia did, inducing ordinary people to spy on their neighbors, co-workers and the people who serve them in restaurants, for example.  Thank you, CK Weaver | **Response:**  This comment does not address the proposed information collection. |
| **Comment 134** | **Commenter: Adam Greene** |  |
| **4/15/2019** | Through my work with refugees as a volunteer, I can attest to the fear that exists among the immigrants with whom we work.  We often see cases of the forfeiting of benefits for which our clients or their children are eligible out of fear that it will lessen their  chances for positive outcomes on their immigration applications. In addition, having these requests for surveillance and  anonymous tips come from the same agency that is evaluating their legal applications to remain in the US sends a  message that USCIS is hostile to foreign-born residents. This is wrong for a country of immigrants.   Encouraging anonymous surveillance and reporting of presumed violations of visa or benefit regulations will increase this  hostility by unfairly branding foreign-born residents as criminals. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 109** | **Commenter: Aideen Nunan** |  |
| **4/13/2019** | I oppose most strongly adoption of OMB control number 1615-NEW, Docket ID USCIS-2019-0001 proposed by the U.S. Citizenship and Immigration Services (the tip form).  This is a is a ghastly and sickening attempt to demonize immigrants and tear our American society apart. It is highly reminiscent of the Nazi Gestapo, the KGB and the STASI regime of East Germany. Those who would propose this method are divorced from all the values that we have fought and died for as Americans. And to those who would implement this method I can only say: Have you no shame! | **Response:**  This comment does not address the proposed information collection. |
| **Comment 147** | **Commenter: Stephen Rosenblum** |  |
| **4/15/2019** | This is a poorly conceived program. It will likely cause harm to many people due to unsubstantiated and unconstitutional suspicions reported by fellow citizens as acts of revenge, racism or religious intolerance. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 122** | **Commenter: Ellen Fleishman** |  |
| **4/15/2019** | The proposal to have people anonymously report others for alleged immigration fraud is a very dangerous drift toward a society of fear, mistrust, division, and will serve to further fray the American social fabric | **Response :**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 104** | **Commenter: Jean Bruggeman on behalf of Freedom Network** |  |
| **4/12/2019** | Dear Ms. Deshommes: On behalf of Freedom Network USA (FNUSA), I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. FNUSA, established in 2001, is a coalition of 68 non-governmental organizations and individuals that provide services to, and advocate for the rights of, trafficking survivors in the United States. Our members include survivors themselves as well as former prosecutors, civil attorneys, criminal attorneys, immigration attorneys, and social service providers who have assisted thousands of trafficking survivors. Together, our members provide services to over 2,000 trafficking survivors each year.1 As the Department of Justice explains, Foreign nationals have specific vulnerabilities tied to their immigration status, which traffickers exploit. Task force members will benefit from understanding the real fear of jail and/or deportation that prevents foreign-born victims from coming forward to admit their abuse. Foreign-born victims often lack documentation to prove their identity, fear they will be deported, fear threats to family members back home, do not understand that there are support services available to them, or are intentionally isolated geographically or through lack of language access. Foreign-born victims also may have experienced corrupt or iolent law enforcement officers in their home countries, furthering their fears of seeking assistance. 2 The establishment of this Tip Form will likely be used by human traffickers to further exploit and traumatize their victims. FNUSA strongly opposes the use of USCIS resources to support the ability of human traffickers to threaten and intimidate trafficked immigrants in this way. I. The USCIS Tip Form is Unnecessary and Allows Human Traffickers to Exploit Victims Using USCIS’ Own Form USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.3 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. Human traffickers routinely use threats of deportation as a method of control, and it is therefore likely that they will abuse the proposed USCIS Tip Form to further their criminal enterprise. They tell their victims that they will contact DHS to have them deported if they do not comply with the trafficker’s demands. This new USCIS Tip Form will function as a new enforcement tool for traffickers, because people who fear deportation are less likely to report abuse or file for immigration relief.4 Traffickers and abusers of undocumented people routinely prey on that fear: “[o]ne of the most intimidating tools abusers and traffickers of undocumented immigrants use is the threat of deportation. The USCIS Tip Form will permit traffickers, or their collaborators, to submit unsubstantiated reports to USCIS, the agency with jurisdiction over immigration benefits for trafficking victims. Reported individuals will face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. II. The USCIS Tip Form Misuses USCIS Resources Resources used for vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.6 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Trafficking survivors are already suffering from the extended processing times. The T Visa conveys access to services and support necessary for trafficking survivors to safely assist law enforcement in the investigation and prosecution of the traffickers, through certification by the Department of Health and Human Services7. Extended processing times undermine the criminal justice system, because survivors remain in tenuous living situations without access to legal employment or public benefits during the adjudication period. In some cases, detained survivors are forced to remain in in detention for months or years as they await the adjudication of their T Visa, generally due to the crimes they were forced to commit by their trafficker. Extending this process further, likely due to tips filed by the traffickers, is inhumane and undermines the intent of Congress. III. The USCIS Tip Form Violates Due Process A. The USCIS Tip Form is Overbroad and Vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. Again, this broad form will be used by human traffickers to threaten their victims with a mechanism for their deportation. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that human traffickers will have the option of submitting numerous baseless claims with no accountability. IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides human traffickers an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”8 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”13 Given USCIS's mandate to protect human trafficking victims who have applied for a T Visa, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. VI. Conclusion FNUSA stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Sincerely, Jean Bruggeman Executive Director Freedom Network USA | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |

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| **Comment 131** | **Commenter: Jean Berman** |  |
| **4/15/2019** | This is a very scary proposal, waste of time and money that is badly needed for other government programs, and totally unnecessary given the very low incidence of fraud among immigrants. This reminds me of the horrible Soviet and East European practices of having neighbors spy on neighbors and children reporting on parents. Disgusting! Not worthy of Americans. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time. |
| **Comment 103** | **Commenter: Dennis Mersmann** |  |
| **4/12/2019** | This USCIS Tip Form sounds like, and I understand that this may sound hyperbolic, some Nazi Germany or McCarthy Era insanity. Immigrants, no matter their status, are not our enemies. They are the foundation and the future of this country. This attempt to drum up xenophobia and racism under the guise of security by encouraging people to report anyone on the basis of not looking or acting American enough is disgusting. May I suggest that anyone who thought this was a good idea read (or view, because it's a play/movie and maybe reading isn't your thing) The Crucible by Arthur Miller. Do not do this. It will only empower racists and nationalists and engender jingoism. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 121** | **Commenter: Jane Marinsky** |  |
| **4/13/2019** | This would be a terrible precedent. We are not a totalitarian country but having people inform on each other would make us look like one. It would exacerbate an already toxically racist atmosphere in the United States. Instead of welcoming the diversity which makes our country strong, this policy encourages us to look at people who aren't exactly like us suspiciously as "others". Do not enact divisive legislation but come together to make our country better. | **Response:**  Comment does not address changes to the information collection. |
| **Comment 126** | **Commenter: David Root** |  |
| **4/14/2019** | Comment by Dave Root, Victims of Immigration Fraud  Samantha Deshommes Chief Regulatory Division, Office of Policy and Strategy US Citizenship and Immigration Service Department of Homeland Security 20 Massachusetts Ave, NW Washington, DC 20529-2140  Re: Comments to proposed form G-1530: USCIS Tip form/OMB control # 1615- New docket ID USCIS-2019-0001  As a representative of the Organization Victims of Immigration Fraud we wholeheartedly support the tip form for reporting immigration fraud with a crucial suggestion for improvement listed in the next to last paragraph.   USCIS should by alarmed by large responses from immigration advocates, and law firms opposed to the reporting of immigration fraud. Logically, the only ones opposed to prosecuting a crime that devastates innocent Americans are the ones involved. It appears theyve (unwittingly) implicated themselves trying to protect a multi- billion dollar immigration business.   Victims of Immigration Fraud is a self- funding that represents thousands of American fraud victims. Many of them report that taxpayer funded legal aid foundations, domestic violence advocates and other immigration service providers are facilitating fraud by providing free legal representation, housing and lucrative benefits to immigrant criminals seeking green cards.  Immigration fraud is not a victim-less crime. For example, victims of immigration marriage fraud suffer emotional abuse, personal harm and financial ruin by con artists, including loss of their homes, jobs, security clearances, freedom, and even their children.   Many of our victims have irrefutable evidence that their spouse or fianc committed marriage fraud or U visa fraud. Unfortunately, by law (ironically, written by immigration advocates) the American citizen is banned from participating at a USCIS immigration proceeding when abuse is alleged, in violation of their due process of law rights. Meanwhile the immigrant accuser can defend themselves with dubious help by the same groups opposing the fraud tip form.   To resolve these issues USCIS should expand the form with accountability by adding this simple question, " Was the immigration fraud facilitated by a federally funded legal aid provider, domestic violence shelter, immigration service provider, and other non-federally funded organization/ law firms? If so, what is their name and address?  Finally, USCIS should stop turning a blind eye to one sided marriage frauds whereby an immigrant deceptively marries an American just for a green card. Also, there are a multitude of immigration advocates, organizations or law firms that are knowingly helping and harboring illegal aliens, a violation of the Immigration and Nationality Act in 8 USC1324 (a) (1) (A)(iv) (b) (iii). USCIS should forward these violations to ICE for prosecution. | **Response:**  Thank you for your comment. We think the form already provides for opportunities to report potential claims, such as those suggested by the commenter. |
| **Comment 136** | **Commenter: Molly Smithsimon** |  |
| **4/15/2019** | I strongly oppose the proposed regulation. A tip form is more likely to be used to retaliate against people who make labor and wage complaints, and could be weaponized against victims of trafficking or domestic violence, with no value to the government or society. USCIS resources should be used to facilitate lawful immigration not to target nonwhites. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367. |
| **Comment 211** | **Commenter: Connie Choi, National Law Center** |  |
| **4/15/2019** | Dear Ms. Deshommes: We are writing you to strongly oppose USCIS’s proposed rule change to implement the new Form G1530: USCIS Tip Form (OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001), as published in the Federal Register on February 15, 2019. Founded in 1979, NILC is the leading advocacy organization in the U.S. exclusively dedicated to defending and advancing the rights and opportunities of immigrants and their families. We focus on issues that affect the well-being and economic security of immigrant children and their families with low income: health care and safety net programs; education and training; workers’ rights; and federal and state policies affecting immigrants. The proposed changes are unjustified and counterproductive. Rather, we respectfully request that USCIS withdraw this proposed rule change. I. The USCIS Tip Form violates due process – it is overbroad and vague in its approach, and allows for abuse of the form by allowing anonymous submissions. The proposed rule is overbroad and indiscriminate in its approach, and fundamentally deteriorates the rights of all Americans to be treated equally under the law. Reported individuals will ultimately face increased scrutiny, surveillance, and potential loss of benefits without any fair and transparent process that enables them to refute allegations of fraud USCIS fails to set any definitive criteria for this process – both for reporting fraud and when to report fraud. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. There is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. More importantly, USCIS has no formal mechanisms in place to follow up on allegations, and applicants have no opportunity to learn about derogatory information lodged against them or refute any allegations. The proposed USCIS Tip Form requests that individuals provide their name and contact information, but does not require this information to submit a report. The Form itself does not solicit any information that would help to determine whether the individual providing the tip might be acting from an impermissible purpose. What mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated are unknown. In addition, USCIS has also not provided any definitive information how it will handle and respond to these anonymous tips. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. These impacts will be further amplified by the proposed “other” category, where USCIS opens the reporting process to claims with no connection to fraud. Instead, this will allow yet another avenue for bigotry and harassment that would have serious consequences for individuals and their families. Thus, the Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against vulnerable persons – especially survivors of domestic violence and unscrupulous employers looking to retaliate against complaining workers -- without consequence or repercussion. There are a number of ways DHS employees could receive a “tip,” such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or an employer providing information to USCIS rebutting the basis for the victim’s application. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”1 For example, recognizing that perpetrators will try to manipulate legal systems against survivors, Congress created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.2 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.” II. The USCIS Tip Form wrongly encourages the presumption of fraud in the immigration benefits process, and will have a devastating impact on low-income communities of color and vulnerable persons. Not only is such reporting and targeting unjust, the implementation of the USCIS Tip Form includes an implicit presumption that fraud occurs during the immigration benefits process. And while the Form does not differentiate between fraud committed by individuals versus corporations/firms, we anticipate that there will be a disproportionate impact on individuals - particularly on low-income persons of color and their families, as the Form accordingly allows bias and bigotry to play a role in reporting. By allowing unsubstantiated reporting to USCIS, the Form will allow for a fishing expedition to be committed against communities of color. This decision greenlights religious and ethnic discrimination that runs counter to the inclusionary principles that our country aspires to have. The failure to collect information from the person completing the form itself will make it easier to target individuals based upon racism and bigotry– where they will have the option of submitting numerous baseless claims without any accountability mechanisms built into place. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.4 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.5 NILC has already observed devastating impacts in other misguided policies forwarded by the Administration – such as the Muslim Ban – that allows for the targeting and discrimination of Muslim, Arab, Black, and South Asian immigrants and their families. Since January 2017, when the Ban first went into effect, it has deferred dreams, separated families, deprived people of lifesaving health care, and blocked access to education. III. The USCIS Tip Form rather subverts and misappropriates limited USCIS resources. This proposed rule instead raises our deep concerns regarding the agency’s ability to serve out its primary purpose of adjudicating benefits applications. As established by the Homeland Security Act of 2002, USCIS’s primary function is to adjudicate immigration benefits.6 Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from timely adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Just as compiling documentation and completing the application will burden applicants, processing more pages of evidence will slow adjudicators. The government estimates that the total number of responses for Form I-912 is approximately 350,000. With nearly 6 million pending cases as of March 31, 2018, DHS has conceded that USCIS lacks the resources to timely process its existing workload. These operational demands would be levied upon an agency that already suffers profound capacity shortfalls. USCIS can ill afford to further delay its operations, where backlogs of pending applications and wait times for adjudication have increased between FY2016 and FY2019 for the agency. These changes will slow down an already overburdened system. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. The proposed rule would not accomplish any objectives that further the purpose of USCIS and would create inefficiency and delay for the agency. It is also unclear how the information collected through the USCIS Tip Form will be used in adjudications. We are thus concerned about the implications that this will have on the overall ability for the agency to fulfill its purpose of serving immigrants and adjudicating their applications. Over the last two years, USCIS has increasingly transformed into yet another immigration enforcement agency - both through its increased focus on investigating fraud and implementing other sweeping policy changes.8 In this case, the USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. The publication of this form signals another dangerous and insidious shift by USCIS.  IV. Conclusion  NILC opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Respectfully submitted, Connie Choi, Esq. PIF Campaign Field Manager& Strategist on behalf of the National Immigration Law Center [choi@nilc.org](mailto:choi@nilc.org) | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 177** | **Commenter: Daniel Bruner, Whiman –Walker Health (WWH)** |  |
| **4/15/2019** | Dear Ms. Deshommes: Whitman-Walker Health (Whitman-Walker or WWH) is submitting these comments in opposition to the Department of Homeland Security, United States Citizenship and Immigration Services proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019, 84 Fed. Reg. 4518. We submit that the form is unnecessary, wasteful of USCIS resources, and threatens to harm vulnerable individuals and families with unsubstantiated, abusive allegations. Interest and expertise of Whitman-Walker Health. Whitman-Walker Health is a Federally Qualified Health Center providing primary medical care, HIV specialty care, mental health care and substance abuse treatment services, dental care, community health services, youth and family services, and legal services to individuals and families throughout the greater Washington, DC metropolitan area. WWH provides high quality, affirming health care to more than 20,000 individuals annually. Approximately 60% of our patients and clients identify as gay, lesbian, bisexual, or transgender (LGBT). As is to be expected in our diverse, international metropolitan area, significant numbers of our patients and others receiving our health-related services are foreign-born. Because of our commitment to holistic health care, which includes addressing the legal and social determinants of health, for more than 30 years our in-house Legal Services OMB Control Number 1615–NEW, Docket ID USCIS-2019-0001 Comments of Whitman-Walker Health Opposing Form G-1530, UCIS Tip Form April 15, 2019 Page 2 of 3 Department, with the assistance of hundreds of volunteer attorneys throughout the area, has provided a wide range of immigration-related services to WWH patients and other foreign-born LGBT and HIV-affected individuals and families. Our in-house and volunteer attorneys help immigrant families to file, and successfully pursue, asylum applications; applications for green cards and U.S. citizenship; applications/renewals of protected status under DACA; applications under VAWA and U, T, and SIJS status; and petitions for family reunification. Between staff and volunteer attorneys, our immigration practice is currently handling more than 200 cases. Form G-1530 is unnecessary and a wasteful burden on USCIS resources. The form invites allegations of “immigration fraud” that will frequently, if not mostly, be submitted anonymously, with little or no substantiation. Although the form allows individuals to identify themselves and provide contact information, and to offer details of their allegations, this is not required, and USCIS itself anticipates that most people using the form will spend very little time completing it – less than 10 minutes (0.166 hours – 84 Fed. Reg. at 4519). The agency will almost certainly be inundated with allegations that will be time-consuming to investigate and unlikely to produce actual instances of fraud. (The Federal Register notice estimates 55,000 reports – id.) There already are ample ways for federal immigration authorities to receive allegations of fraud; Form G-1530 itself enumerates already-established ways to provide such reports. Moreover, USCIS procedures already involved careful evaluation of petitioners’ claims. This new form is very unlikely to advance those efforts significantly. It would, however, likely cause considerable harm to immigrant individuals and families. Form G-1530 would invite unsubstantiated allegations that would harm innocent immigrants and invite abuse. The form would threaten immigrants with valid claims – and even many individuals and families whose claims already have been determined to be valid and meritorious – to allegations that could disrupt their lives, harm their reputations, jeopardize their jobs and cause significant financial and other hardship. Many immigrants, even those with legal standing or valid claims, are threatened by abusive partners, employers and others with unsubstantiated allegations lodged with immigration authorities, as a way to maintain their control and exploitation. This is a particular concern for many in the current climate, in which immigrants are subjected to pervasive suspicion regardless of their actual legal standing. LGBT immigrants, and those living with HIV, are particularly vulnerable; many of them have fled persecution in their countries of birth, and were raised in societies in which their sexuality, gender identity or medical condition were heavily stigmatized. Many still live in communities in which their sexual and gender identities or HIV status remain stigmatized. Form G-1530 conveys a stigmatizing, anti-immigrant message that corrodes the intent of our immigration laws. The form conveys a message that immigration claims are presumptively fraudulent. This undercuts the intent of our immigration system, which is to OMB Control Number 1615–NEW, Docket ID USCIS-2019-0001 Comments of Whitman-Walker Health Opposing Form G-1530, UCIS Tip Form April 15, 2019 Page 3 of 3 protect and encourage a diverse society enriched by many cultures, and to enhance our nation’s tradition of providing refuge for individuals and families fleeing persecution abroad. We agree that USCIS must administer our laws fairly and enforce their limits, which includes ensuring that claims are well founded and not fraudulent. However, the agency already is carrying out this mandate, and there is no justification for broadcasting a corrosive message of suspicion that unfairly targets all immigrants. Conclusion. For all of these reasons, Form G-1350 should be withdrawn. Respectfully submitted, Daniel Bruner, Senior Director of Policy Amy Nelson, Director of Legal Services Denise Hunter, Staff Attorney Connor J. Cory, Staff Attorney | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 170** | **Commenter: Sanaa Abrar, United We Dream (UDW)** |  |
| **4/15/2019** | Dear Ms. Deshommes: United We Dream (UWD) writes in response to the request for comment posted by U.S. Citizenship and Immigration Services (USCIS) regarding the proposed promulgation of Form G-1530, USCIS Tip Form, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. Specifically, UWD writes to oppose the creation or implementation of Form G-1530 or any substantially similar data collection that would solicit public input in identifying immigration “fraud” or “abuse.” UWD is the largest immigrant youth-led network in the United States. We create welcoming spaces for young people—regardless of immigration status—to support, engage, and empower them to make their voices heard and win victories to build thriving communities. We have an online reach of five million and are made of a powerful membership of 500,000 members and 112 local groups across 28 states. Over 60 percent of our members are women and 20 percent identify as LGBTQ. UWD’s vision is of a multi-racial democracy where immigrants and communities of color live safe, with dignity, while thriving. We pursue this vision by building a multi-racial, multi-ethnic movement of young people who organize and advocate for the dignity and justice of immigrants and communities of color at the local and national levels. Led by and accountable to youth leadership, UWD uses diverse and innovative strategies to effectively change and improve the material conditions for all immigrants and communities of color in the United States. Combining grassroots and digital organizing, advocacy, transformative leadership development, story-telling, and culture change, we build momentum together with allies for long lasting change. The proposed promulgation of Form G-1530 speaks to the alarming developments within USCIS that are steadily expanding the agency’s function from administering immigration benefits to that of enforcement. Collaterally, the existence and use of Form G-1530 will have a chilling effect on immigrant youth and families engaged in activism. We oppose the creation of this form as our members and their families represent the population that would likely be targeted unjustly by ill-intentioned or ignorant actors utilizing this form. Accordingly, we raise the following issues. I. Form G-1530 Represents USCIS’ Continued Transformation into an Enforcement Agency USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration 1 enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information 2 about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. Form G-1530 represents a part of USCIS’ broader campaign to attack and undermine the availability of benefits for immigrant youth and their families. For example, USCIS is currently participating in an unprecedented “denaturalization” campaign, looking through historic naturalization applications to identify procedural or technical flaws to strip naturalized citizens of citizenship. Form G-1530 would function in tandem with these efforts, discouraging immigrants 3 from seeking to obtain initial, threshold immigration benefits, such as lawful permanent resident (LPR) status, for fear of being accused of fraud or abuse. Moreover, even dubious submissions using G-1530 would enable USCIS to engage in broad, unsubstantiated fishing expeditions into an individual’s immigration case or history. The implementation of Form G-1530 permits unsubstantiated reporting to USCIS and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals will face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. Moreover, we cannot entrust USCIS with the benefit of the doubt that Form G-1530 will not be used as a weapon against immigrant populations, in light of USCIS’ animosity against immigrants and expanded information sharing with enforcement agencies, e.g. through policies like its expanded Notice to Appear Guidance. In our 2019 report The Truth About ICE and CBP, we dive into specific examples of how USCIS has co-conspired with and undermined federal agencies by opening its physical offices for enforcement, welcoming ICE officers with open arms to detain and arrest immigrants who attend appointments. Ultimately, the form will act as another weapon for USCIS to target, surveillance and harass members of our immigrant community without any oversight or accountability. II. Form G-1530 Will Have a Chilling Effect on Civic Participation and Activism Activists across the country have been targeted by federal immigration authorities as a direct response to their pro-immigrant rights work. This form adds to the existing threat of retaliation, 4 arrest, or fines many undocumented activists and volunteers face in their daily efforts within the immigrant rights movement. Notably, in June of 2018 two UWD Deportation Defense leaders were unreasonably stopped and profiled by law enforcement in El Paso, TX after participating in peaceful protests against the Tornillo, Texas child detention camps. Greisa Martinez Rosas, UWD Deputy Executive Director and Deferred Action for Childhood Arrivals (DACA) beneficiary, was pulled from the security line at the El Paso International Airport by law enforcement agents and detained for hours.5 A government-sanctioned form to local law enforcement or anti-immigrant groups or individuals to report immigrants engaged in activism would only exacerbate these types of incidents. For those not targeted by the form, its mere existence serves to chill member desire to engage in actions or civic participation, an impermissible effect running afoul of the First Amendment. UWD firmly believes in immigrants’ First Amendment right to dissent without punitive enforcement and that local and state authorities’ duty is to protect and service their communities, not criminalize them through collaboration with federal enforcement authorities. Empowered by the Trump administration, ICE’s influence has spread to other federal agencies, making them collaborators in the nation’s deportation regime. ICE has nationwide patterns of 6 infiltration within the immigrant rights’ movement by colluding with state and local government agencies, most recently with the Vermont Department of Motor Vehicles (DMV), to advance its anti-immigrant agenda where DMV workers sent information on immigrants’ applications to the Vermont driving program to ICE agents that resulted in the arrests of undocumented activists associated with Migrant Justice. This form risks becoming another agent of surveillance and 7 abuse of power weaponized by ICE to retaliate against their critics by disrupting and infringing upon their First Amendment rights. UWD and its 500,000 members have publicly criticized ICE and there is little doubt that ICE would employ spurious reports filed through Form G-1530 to continue to target activists. Through this form, UWD members risk the same profiling and unsubstantiated information sharing used by ICE and the Vermont DMV to silence immigrants’ First Amendment rights. III. Form G-1530 Puts Vulnerable Immigrant Populations at Risk Form G-1530 provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors and vulnerable immigrants, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.” Abusers often 8 threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 The Violence Against Women Act (VAWA) provides explicit confidentiality protections for undocumented survivors, including preventing immigration officers from using information provided by abusive partners and preventing officers from making arrests in courthouses if the survivor is there in connection with a protection order case. Undocumented survivors of domestic violence who are also LGBTQ are particularly at risk, due to a lack of community, familial, or economic support. Over 60% of our members are womxn and 20% identify as LGBTQ. To better understand this population, UWD launched a national 10 survey in November of 2015 to know the needs, experiences, and challenges faced by the LGBTQ immigrant community nationwide. LGBTQ immigrants all too regularly face a double 11 edged sword of discrimination for their sexual orientation or gender identity as well as a broken and outdated immigration system that provides them little protection against violence. Reporting and abuse of the form will disproportionately hurt LGBTQ immigrants. USCIS has already endangered the lives of women and LGBTQ immigrants in collaborating with immigration enforcement. In January of 2018, UWD’s MigraWatch received the story of a 34-year-old woman arrested by ICE in Branson, MO during an interview for LPR status. She has two U.S. citizen children, aged four and five, and is one of the breadwinners for the home. In 12 May of 2018, ICE arrested an LGBTQ immigrant, whose spouse was an Army Chaplain in the Armed Forces, during a family sponsorship interview at a USCIS office in Charlotte, NC. Form 13 G-1530 is irresponsible in its nature and extends this ongoing interagency collaboration that endangers the lives of VAWA eligible immigrants and other survivors by weaponizing the immigration enforcement system for the purposes of abuse. IV. Conclusion UWD strongly opposes the creation and use of Form G-1530 as it creates additional hardship for immigrant communities and vulnerable individuals, particularly our members and their families. USCIS should rescind the proposed promulgation of Form G-1530 and instead issue an updated notice withdrawing the proposed form. Instead, USCIS should concentrate on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Thank you for the opportunity to submit comments on the proposed creation and implementation of Form G-1530. Please do not hesitate to contact me to provide further information. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  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USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  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The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 168** | **Commenter: Pat Hawthorn** |  |
| **4/15/2019** | The idea of this frightens me beyond belief because it represents the beginning of a very slippery slope. History illustrates how easily people can be manipulated by fear into doing things they wouldn't ordinarily do. To allow the general public to provide 'tips' based on their perception of others' legal status reads like a how-to guide regarding turning people against one another based on the color of their skin. Please, please be careful not to repeat what we've already witnessed in the world. How soon would it be before propaganda is circulated to encourage spying on neighbors depicted as vermin as it had been in Nazi Germany? | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 210** | **Commenter: Beverly Kaufman** |  |
| **4/15/2019** | I am strongly opposed to this tip form because it is designed to bring harm to and engender fear in both the immigrant community and the general public. It perpetuates the stereotype that immigrants are criminals and a threat to the safety of the country. Since fraud is not defined and reporters do not have to identify themselves, this form could become a tool for anti-immigrant activity and be widely used by white nationalists. As an American, I do not support in any way spying or reporting on my neighbors. Approving this form takes this country away from democracy and moves us towards a repressive and fear based society. | **Response:**  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system. Thus eliminating the need for manual entry and saving time. |
| **Comment 173** | **Commenter: Lois Schwaeber, THE SAFE CENTER LI** |  |
| **4/15/2019** | Dear Ms. Deshommes: THE SAFE CENTER LI ("TSCLI"), is a private, not-for-profit organization which provides assistance through crisis counseling, legal assistance, emergency shelter services and community education outreach to individuals in Nassau County who are victims of domestic violence, rape/sexual assault, dating violence, and stalking. LEGAL SERVICES CENTER is a project of TSCLI, which provides court advocacy, consultations with and representation of victims of domestic violence in family offense, paternity, matrimonial, immigration, and child custody/visitation proceedings, as well as other issues that arise from the abuse. I am writing on behalf of The Safe Center, LI in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. In our practice, we routinely hear from our clients that abusers use the threat of reporting a victim to USCIS for deportation as a way of continuing abuse and maintaining control over their lives. Therefore, the implementation of the of USCIS Tip Form will negatively affect our clients because the Tip Form will provide abusers another mechanism to perpetrate a crime against our clients and will further prevent victims from coming forward to report abusers to police which is not in the best interest of the public. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Our clients already face current application processing times in excess of at least 4 to 5 years currently. Implementation of this Tip Form and the use of USCIS resources to investigate frivolous claims by abusers will only cause more delay in the adjudication legitimate petitions. More importantly, USCIS procedure already deals with and has a mechanism for dealing with fraudulent claims as part of its review, investigation and determination of an applicants I-192 waiver petition. Therefore, the proposed addition of this Tip Form is duplicative and unnecessary use of USCIS resources. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. II. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Our agency is concerned that the use of anonymous Tip Form will increase mistrust and fear among an already vulnerable population. It will only serve to weaponize abusers further or others who may have inaccurate, unreliable information or who are motivated by racism, bigotry or hate. The creation of an anonymous tip form would, however, render the protections affording in 8 USC §1367 meaningless, as determinations would undoubtedly be made based on information provided anonymously by perpetrators. We further believe that implementing an anonymous USCIS Tip Form is likely to increase the incidents of threats made by assailants and abusers, give such threats an increased air of legitimacy, and increase the number of retaliatory and unsubstantiated reports of fraud directed at victims. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. III. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors at Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”8 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 In our practice we routinely see abusers using the threat of reporting his/her victim to immigration or creating a fear that if they report the abuse to police or other authorities, they will face immediate deportation. In many cases our clients are also faced with the with the threat of losing their children based on the abuser’s threats of reporting them to USCIS. To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”13 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. IV. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.  V. Conclusion  The Safe Center, LI stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Respectfully, Lois Schwaeber, Esq. Director of Legal Services | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 218** | **Commenter: Andrea Williams. Causa Oregon** |  |
| **4/15/2019** | I am writing on behalf of Causa Oregon in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. Causa opposes the implementation of the Tip Form, which will degrade the trust of Oregon’s immigrant community in USCIS’ services and encourage bigotry and profiling of our community. On behalf of Oregon’s latino immigrants and their families, who are the heart of Causa, we urge you to withdraw the proposal and reject changes to public charge. Causa Oregon was founded in 1995 and works to improve the lives of Latino immigrants and their families in Oregon through advocacy, coalition building, leadership development, and civic engagement. Latino immigrants and their families are the heart of Causa and inspire, implement, and champion our work. Causa’s staff collectively share expertise in national and local policy and laws affecting immigrants, civic engagement, and, most importantly, the lived experiences of belonging to and supporting families that include non-citizen immigrants. We directly support families in engaging with their elected leaders, building leadership skills, and learning about the issues that most impact their community. We strongly oppose this proposal. USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration 1 enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information 2 about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. For example, Muslim, Arab, Iranian, Middle 3 Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission. Similarly, the FBI reports that hate crimes against Hispanics and Latino 4 communities have risen nationally. These incidents are also underreported, due to an 5 increased fear of reporting racially motivated crimes and incidents to law enforcement. 6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. Causa’s participants around the state regularly access services at USCIS’ field office in Portland including for adjustment of status interview, travel documents, and citizenship interviews and ceremonies. It is important for the daily work of USCIS and the integrity of these processes that USCIS’ mission as a first and foremost service agency not be corrupted by the addition of surveillance and enforcement by way of this Tip Form. Profiling and hate-based violence are a significant risk to our community in Oregon, where the FBI reports incidents of hate crimes increased by 17% in 2017 from the year before. The Tip 7 Form represents a dangerous invitation to those motivated by hate based on race or national origin to feel empowered to invade the privacy of their fellow Oregonians, to potentially violent consequences We are also deeply concerned about the potential for abuse of the Tip Form by abusive individuals. As coalition conveners we regularly liaise with legal services partners who identify the exploitation of an imbalance in immigration status as a primary method of control used by spouses and traffickers who abuse non-citizens. This includes reports of individuals looking to seek their spouse’s deportation in retaliation for their seeking separation or reporting abuse. It is crucial for the protection of our community and the integrity of USCIS’s processes that the agency protect against such abuses and not encourage them by publishing the Tip Form. Finally, through its solicitation of unsubstantiated claims and focus on individual immigrants, the Tip Form does nothing to address the actual fraud afflicting Oregonians: unauthorized practice of law exploiting families seeking immigration advice. In 2017, Federal Authorities sentenced two men in Oregon for Immigration Fraud and Money Laundering, after they defrauded members of our community out of more than $600,000. Oregon’s Department of Justice is 8 additionally investigating a more recent scam involving unauthorized practice of law by employees of a Florida-based law firm. USCIS resources should be focused on raising 9 awareness of these and other exploitative unlawful practitioners and in bringing them to justice, not in encouraging unsubstantiated reporting on neighbors in our community.  Conclusion  Causa Oregon stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Sincerely, Andrea Williams, Executive Director, Causa Oregon | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information s The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017).  haring agreements. |
| **Comment 196** | **Commenter: Robbin Isaacson DeWeese, Congregation Havurah Shalom** |  |
| **4/16/2019** | Dear Ms. Deshommes: I am writing on behalf of Congregation Havurah Shalom in Portland Oregon, in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. We work with immigrants and refugees, who are good people simply trying to survive here and who have much to contribute to our community. As a faith-based organization, we oppose the creation of this USCIS Tip Form because it is a redundancy among other fraud reporting systems, and this excessive focus on alleged fraud is contrary to our efforts to welcome the stranger among us. I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. Some of my friends, good people who have much to offer our community feel targeted, afraid to go out in our city for fear of attack and surveillance. II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Processing delays have impacted people I know who are applying for benefits making it more difficult for them to take care of their children and work.] Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information about how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. I. Inclusion of Religious Worker Visas among the Enumerated Categories As an organization of faith, we are particularly concerned with the inclusion of the Religious Worker Visa as an enumerated category of fraud to be reported. The USCIS Fraud Detection and National Security (FDNS) Directorate already conducts site visits in connection with applications for Religious Worker Visas in order to catch and deter fraud. The addition of this specific category in this fraud tip form would waste agency resources, as significant resources are already spent on a much more reliable method of fraud detection. As described above, the form allows members of the public to make unsubstantiated allegations that would require agency resources to vet. The form also does not require the submitter to identify him or herself, which allows the submission of false or misleading information with impunity, and omits 4 essential information to enable the subject of the tip to refute false information. Religious Workers are already complying with all Agency requests and procedures to combat fraud. This proposed form would introduce an additional risk factor for the submission of false information would create an undue burden on religious workers and their organizations of faith. II. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.” Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.8 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.9 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”10 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.11 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.” Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. III. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.  IV. Conclusion  Congregation Havurah Shalom strongly opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**    USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 169** | **Commenter: Bill Holt** |  |
| **4/15/2019** | This type of information collection will only serve to collect hate and bigotry. It does not serve the needs of the American people and unfairly targets immigrants for discrimination. | **Response:**  Comment does not address changes to the information collection. |
| **Comment 180** | **Commenter: Dana Greene** |  |
| **4/15/2019** | Dear Ms. Deshommes: I am writing in opposition to the Department of Homeland Security, US Citizenship and Immigration Services proposal to implement the new Form G-1530. This form is unnecessary and encourages the presumption of fraud in the immigration benefits process, the form misuses USCIS resources and violates due process, it is too vague, encourages misuse and threatens confidentiality. Te Form appears to allow unsubstantiated information to be shared with other law enforcement agencies.   I urge you to withdraw the USCIS Tip Form so that immigrant communities will not be made more vulnerable .  Dana Greene | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 184** | **Commenter: Nancy Becker** |  |
| **4/15/2019** | I am opposed to this proposed rule. It is unnecessary, has a lack of oversight, is not consistent with due process and is draconian in intent. Anonymous tips encourage misuse and abuse and can be used for private reasons not related to the issues at hand. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that don't threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 214** | **Commenter: Patty McNamara, Boston Area Rape Crisis Center** |  |
| **4/15/2019** | Dear Ms. Deshommes: I am writing on behalf of the Boston Area Rape Crisis Center in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615-NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. I am the Senior Bilingual Staff Attorney at BARCC. In that role, I assist survivors to understand and access their legal options.  Founded in 1973, the Boston Area Rape Crisis Center (BARCC) is the oldest and largest center of its kind in New England. We are the only rape crisis center in the Greater Boston area, and we serve 29 cities and towns—a population of approximately 4.6 million people. Our mission is to end sexual violence through healing and social change. BARCC is a national leader in providing comprehensive, free services, including a 24-hour hotline, 24-hour medical accompaniment, individual and group counseling, legal advocacy, and case management to sexual assault survivors, family, and friends. We provide outreach and prevention education—in schools, on campus, and at businesses and community organizations every day. We also work with a wide range of organizations and communities, including high schools, colleges, police, health-care providers, and businesses, to advocate for change. We provide training in how to respond to survivors and create cultures that prevent sexual violence in the first place. Our response and prevention programs are based on research and more than 45 years of direct service experience. We are frequently asked to provide expert testimony about potential policy and legislative solutions to preventing and responding to sexual violence. We also provide expert commentary in the media on these issues. We are powered by a staff of roughly 50 people and more than 200 volunteers from our communities.  We oppose the proposed Tip Form in general because it represents an open invitation to harass immigrant communities and extends the use of unjust racial and ethnic profiling to the general public. The permitted use of anonymous and unsubstantiated reports inevitably will result in increased fear, isolation, harassment, and disruption to many individuals in our communities.  We are particularly concerned about the impact of the Tip Form on survivors of sexual violence and harassment. In our work assisting survivors, we see first hand the special vulnerability of survivors who do not have secure immigration status. The proposed Tip Form will make these survivors even more vulnerable to abuse and even less likely to seek protective orders or report to the police. The Tip Form will provide another tool of intimidation and coercion to perpetrators of abuse and violence. Worse, the Tip Form will be a government sanctioning of the intimidation and coercion that perpetuates violence and abuse against vulnerable individuals in our communities.  Rates of sexual violence are high across many subgroups in the United States. Among immigrant women, however, rates are higher than the general population of women. The National Immigrant Women’s Advocacy Project reports that 30%-50% of immigrant women are sexually assaulted in their lifetime. High-school aged girls who are immigrants are twice as likely to be assaulted as other girls their age.  As is true for many sexual assaults, the perpetrators of sexual violence and harassment on immigrant women are commonly known to the survivors. Virtually every immigrant survivor with whom I have spoken has told me that the perpetrator threatened to report them to immigration if the survivor were to report the sexual assault to law enforcement or an employer. The fear that a report to immigration could place them in legal jeopardy or result in the removal of them from their children effectively silences these survivors. Perpetrators know that they will face no accountability for their violence and harassment and are often emboldened, resulting in them committing further acts of sexual violence or harassment on immigrant survivors. Implementation of the proposed Tip Form further endangers immigrant women by enhancing the ability of perpetrators to intimidate and silence survivors.  Immigrant women are also especially vulnerable to sex traffickers who often deceive them into entering the country in the belief that they will be provided legitimate work, take possession of their documents, and deny them access to the outside world. The Tip Form would be another tool to aid sex traffickers in perpetuating the enslavement of these women. The government’s solicitation of anonymous and unsubstantiated reports for the purpose of immigration enforcement actions will be one more means by which sex traffickers will exert their control. We have seen very few women attempt to break away and when they do, even without the Tip Form, they are terrified of the power of the traffickers to do them harm. Implementing the Tip Form will make the U.S. government complicit with the traffickers in denying freedom to these many women.  The realities of sexual violence and intimidation cannot be ignored by DHS and USCIS. The United States government is obligated to protect the safety of all people who are in our country and not to take actions that will knowingly endanger members of our communities, regardless of their citizenship status. Going forward with the proposed Tip Form will knowingly endanger members of our communities. We urge you to withdraw the Tip Form immediately. Sincerely, Patty McNamara Senior Bilingual Staff Attorney Boston Area Rape Crisis Center 99 Bishop Allen Dr. Cambridge, MA 02139 | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 189** | **Commenter: Maxine Fookson, Portland Immigration Rights Coalition Statement** |  |
| **4/15/2019** | Portland Immigration Rights Coalition Statement Opposing United States Citizenship and Immigration Services (USCIS) Tip Form G-1530 OMB Control Number 1615–NEW; Docket ID: USCIS-2019-0001 Portland Immigrant Rights Coalition (PIRC) is writing in opposition to the proposed USCIS Form G-1530: USCIS New Tip Form, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. PIRC, founded in Portland, OR in 2006, is a coalition of immigrant and refugee rights groups and other social justice organizations working to end detention and deportation of immigrants and to promote justice for all immigrants and refugees. PIRC’s work includes community education, and legislative and direct advocacy for immigrant and refugee families.  PIRC is opposed to the USCIS Tip form for a number of reasons:  • At this time in our nation, as racism, Islamophobia and xenophobia are on the rise with resultant increases in horrible hate crimes against immigrant groups, we are greatly concerned that this type of information gathering furthers the targeting, criminalization and gathering of unfounded information and accusations against highly vulnerable individuals. In this climate of detention and deportation, family separation and anti-immigrant rhetoric, this will be another means of surveillance and intimidation of very vulnerable communities. It is nontransparent, not based on evidence and greatly allows for abuse. On a daily basis we are already aware of the stresses, fears and injustices members of our community face simply for being immigrants.  • With this proposed form and process, the USCIS is transformed from its role to serve immigrants in adjudicating their applications for benefits and through the immigration process into another immigration enforcement agency. This is a double-edged problem. It takes away resources from the immigration processing that is already so overburdened and behind and it also endangers the immigration status of possibly innocent people who may be the targets of hateful complaints.  • This proposed form has a very high potential for abuse and fraud in terms of both the manner of reporting and the potential for false information to be reported. There is no protection for the person about whom the “tip” is made. o There is no requirement that the person making the report provide identifying information, thus anonymous, potentially untrue “tips” can be made that could greatly harm immigrants and there would be no means to substantiate the report. o This form opens the gates for those with racist or anti-immigrant agendas, or anyone who simply holds a grudge against someone to make false and harmful tip reports without any legitimacy or means to gather proof. This is surveillance at its most frightening and concerning level. It should not be happening in our nation.  • There are other mechanisms for reporting immigration fraud; hence this is a totally unnecessary form and process. The Homeland Security Investigations (HIS) Tip line already exists as a means to report immigration fraud or other concerns about criminal activity or abuse of immigration laws.  • Additionally, we are gravely concerned about the particular vulnerability of domestic violence survivors, sexual assault survivors, and those who have escaped from human trafficking situations. This type of unsubstantiated and anonymous reporting leaves these individuals particularly susceptible to threats and danger from perpetrators. This is a huge step backwards from the legislation that provides protections for women and others who are targets of violence. PIRC joins with other human rights and social justice groups to strongly urge the rejection of this proposed new USCIS Tip Form G-1530. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  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USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 171** | **Commenter: Karen Sullivan, The Catholic Legal Immigration Network, Inc., or CLINIC** |  |
| **4/15/2019** | Dear Ms. Deshommes: The Catholic Legal Immigration Network, Inc., or CLINIC, respectfully submits the following comments in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. CLINIC supports a national network of community-based legal immigration services programs. This network includes 330 programs operating in 47 states, as well as Puerto Rico and the District of Columbia. Nearly all of CLINIC’s affiliates offer family-based immigration, naturalization and citizenship, VAWA and other categories that would be affected by the proposed form. CLINIC’s Religious Immigration Services section provides direct services to religious organizations and religious workers from all over the world, who could also be affected by the proposed form. Based on the collective experience of our network and the expertise of our religious immigration section, we recommend that the proposed USCIS Tip Form be withdrawn. It would not meaningfully improve upon existing methods of combatting fraud, but it would open USCIS up to a flood of baseless anonymous reports that would waste USCIS’s finite resources, and could target legitimate applicants and crime victims with no accountability for those reporting. As a faith-based organization, we oppose the creation of this USCIS Tip Form because this excessive focus on alleged fraud is contrary to our efforts to welcome the stranger among us. 2 I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS appears to be transforming into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, through the Immigration and Customs Enforcement Homeland Security Investigation (HSI) Tip Line, or USCIS fraud reporting emails for example. USCIS has not stated a rationale for this change. It has not explained why this form is needed now, when it has been operating without it for some time. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. Immigrant communities are increasingly being targeted for harassment and even physical attacks due to their race, religion or national origin, and this proposed form provides an avenue for further harassment without any accountability for the submitter. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated tip reporting to USCIS and does not require the submitter’s name. At the same time that hate crimes are increasing, the HSI tip line has experienced an increase in reporting of 27 percent.7 This increased atmosphere of xenophobia combined with this proposed reporting mechanism with no accountability increases the likelihood that bias and bigotry will play a role in reporting. Reported individuals could face increased scrutiny, surveillance and potential loss of benefits without any due process that could enable them to refute allegations of fraud. If this form were implemented, our network of non-profit immigration legal services providers and our in-house religious immigration legal services providers would likely be forced to spend their limited time and resources for responding to requests for evidence or denials based on unfounded, anonymous information based on xenophobia, racism, or even the public’s lack of understanding of immigration law. The introduction of this form would increase immigrants’ vulnerability to harassment, and tax the capacity of the non-profit organizations that serve them. We oppose the introduction of this form on the basis of both our legal expertise, and on the basis of our Catholic faith that calls us to work within our communities to ensure the well-being of all, particularly the vulnerable. II. The USCIS Tip Form Misuses USCIS Resources This information collection provides no information about how USCIS will implement this form, or what resources USCIS would be using to implement it. Without this information, and because there has been no new appropriation for these activities, stakeholders must assume that resources put toward vetting unsubstantiated tips will take USCIS resources away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.8 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Due to USCIS’s processing delays, our network of non-profit immigration legal services providers is already struggling to help their clients maintain continuous employment authorization and valid driver’s licenses, and to assist eligible applicants to obtain lawful permanent residence and citizenship in a timely manner. Additional delays due to investigating unfounded or bad faith “tips” to USCIS would severely affect applicants’ ability to maintain employment, provide financially and logistically for their families and successfully participate in the civic life of their communities. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to meritless claims and creating yet another avenue for bigotry and harassment with serious consequences for individuals, minority communities and government administrators. III. The USCIS Tip Form is Overbroad, Vague, and Encourages Misuse A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration and Nationality Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information about how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the reliability of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to the reports through the Freedom of Information Act, access to due process or any recourse against false reports. The USCIS, which, as mentioned above, was established to be a benefits adjudication agency and not an enforcement agency, issuing this proposed form to solicit “tips” from the public sends the wrong message to the public and to applicants. Applicants need to have trust in USCIS to be a fair adjudicator of their applications, and not be intimately involved in building cases against them. Further, USCIS reaching into immigrants’ communities and encouraging their neighbors to utilize the immigration process against them breeds fear and mistrust among residents. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability, which severely undermines the integrity of the immigration legal process. IV. Inclusion of Religious Worker Visas among the Enumerated Categories As an faith-based organization, we are particularly concerned with the inclusion of the Religious Worker Visa as an enumerated category of fraud to be reported. The USCIS Fraud Detection and National Security (FDNS) Directorate already conducts site visits in connection with applications for Religious Worker Visas in order to detect and deter fraud. The addition of this specific category in this fraud tip form would waste agency resources, as significant resources are already spent on a much more reliable method of fraud detection. As described above, the 5 form allows members of the public to make unsubstantiated allegations that would require agency resources to vet. The form also does not require the submitter to identify him or herself, which allows the submission of false or misleading information with impunity, and omits essential information to enable the subject of the tip to refute false information. Religious Workers are already complying with all agency requests and procedures to combat fraud. This proposed form would introduce an additional risk factor, as the submission of false accusations against applicants would create an undue burden on religious workers and their organizations of faith. V. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”9 Abusers often threaten survivors that if they go to police or to the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.10 To combat this danger, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.11 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”12 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioners, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.13 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”14 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information contravenes the statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC § 1367. The obligations of 8 USC § 1367, which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. The tip form will also have a chilling effect, discouraging victims from accessing much-needed protection for themselves and their children. CLINIC is very concerned about the potential impact of this proposed form on our network’s work with victims of domestic violence and trafficking. Ensuring the safety and protecting the privacy of VAWA, U and T visa applicants is essential for all involved, including USCIS and the government as a whole, CLINIC, our network, local law enforcement, local communities, and the applicants themselves. VI. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.  VII. Conclusion  CLINIC strongly opposes the publication of the USCIS Tip Form as it would create additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. 14 Id. 7 Thank you for your consideration of these comments. Please do not hesitate to contact Jill Marie Bussey, Director of Advocacy at 301-565-4844 or jbussey@cliniclegal.org, with any questions or concerns about our recommendation. Sincerely, Anna Gallagher Executive Director Catholic Legal Immigration Network, Inc | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 197** | **Commenter: Bryna Koch** |  |
| **4/15/2019** | Dear Ms. Deshommes:  I am writing to oppose the proposed rule to establish the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  The tip form is a waste of federal resources and inappropriately encourages the presumption of fraud. There are already existing mechanisms to report fraud, albeit with questionable effectiveness. Establishing a duplicate effort for the public to report unsubstantiated accusations is undemocratic. The tip form opens the door to reporting based on bigotry and racism. There is no clear guarantee that any report received via this line will be addressed in a fair and impartial process.   Additionally, the tip form raises concerns about due process and fair adjudication. The form includes no definition of fraud which has a complex definition under immigration law. In addition the process for how the information collected via the tip line will be used in adjudications is unclear.   Due to the anti-immigrant policies and rhetoric of this administration, Immigrant communities are already fearful, this tip line seems intended to create more fear. Health and social service agencies have already observed a decline in the participation of eligible immigrant families in the programs they are legally entitled to. I have personally observed this uncertainty and fear in my work in health insurance enrollment. Many immigrant families who are eligible for health insurance coverage do not realize they are eligible or are afraid to ask for assistance or services to which they are entitled because of fear and misinformation.   The tip line will also take away from resources needed in other areas. USCIS application review and adjudication has slowed significantly since 2016. USCIS resources should be dedicated to addressing the backlog of cases already in process.   I am particularly concerned about the potential impact of this anonymous reporting on individuals who are victims of violence or domestic violence. This tip form has high potential for misuse by abusive individuals. Abusers often utilize the threats of formal reporting to control and manipulate their victims. There are specific legal protections in place to prevent the immigration system from being used by abusers to target victims. This tip form potentially violates these laws and DHS guidelines intended to protect victims.   As a public health professional I oppose the creation of this anonymous tip form and I urge you to reject this proposal. This proposed form is a waste of USCIS resources. There are also significant concerns about due process and fair adjudication. From a public health perspective, immigration families are already withdrawing from service to which they are eligible. Proposals like this tip form have a further chilling effect on eligible immigrants use of social and health services. Immigration law as well as how immigration status intersects with eligibility for work and social programs is complex and cannot be assessed by a lay-person. This creates risk for biased reporting based on race, ethnicity and country of origin. Lastly, the proposal seems to violate current legal policy and DHS guidelines on preventing abusers from misusing the immigration system to further terrorize their victims.   Bryna Koch, MPH | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 213** | **Commenter: Sarah Sumadi** |  |
| **4/15/2019** | This proposal is horrific and would invite and even encourage abuse. Allowing anonymous tips, which by very definition can't be adequately followed up on, means that anyone with a grudge or grievance can upend someone's life by submitting a fraudulent "tip". USCIS does not explain how it will use the information people submit as tips nor do they guarantee people due process if they are the subject of a "tip." We've already seen how people retaliate against immigrants by submitting false information about them to enforcement authorities (please read three links below); this new form would only increase those incidents. USCIS does not describe at all how it would determine if a tip was credible, or if it was motivated by retaliations.  This proposal is completely unnecessary and USCIS does not justify its introduction. The form is too vague, and the allowance of anonymous tips means it would be very unlikely to bring forward useful information. Following up on these tips would be a complete waste of limited agency resources. DHS already has ample enforcement capabilities as is, and this tip form would promulgate baseless and xenophobic attacks on immigrants, who, studies show, commit crimes at lower rates than native-born citizens.  An ICE Arrest After A Workers' Comp Meeting Has Lawyers Questioning If It Was Retaliation https://www.wbur.org/news/2017/05/17/ice-arrest-workers-comp  Domestic abusers have an ally in the Trump era: It's ICE https://www.huffpost.com/entry/ice-domestic-violence-abuse\_n\_5b561740e4b0b15aba914404  More workers say their bosses are threatening to have them deported https://www.latimes.com/business/la-fi-immigration-retaliation-20180102-story.html | **Response:**  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system. Thus eliminating the need for manual entry and saving time.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, they forward to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administration investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), and the federal court system. Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants. In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications. These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners. Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits. In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 176** | **Commenter: Ellen Freudenheim** |  |
| **4/15/2019** | I am unequivocally opposed to adoption of OMB control number 1615-NEW, Docket ID USCIS-2019-0001 proposed by the U.S. Citizenship and Immigration Services (the tip form).  My own family members were persecuted by totalitarian regimes that encouraged anonymous reporting to the state apparatus. So did Communist era Cuba. Also the USSR. Also Nazi Germany. This is not the kind of federal policy that should be happening in the United States. My own mother in law was a "hidden child" in Germany under the Nazis. She was terrified for several years that someone would tell on her, and that she would be sent to what turned out to be gas chambers, tho she did not know this at the time. What comes to mind is the activities of the Nazi era Stasi.   This policy will undermine neighborhoods and communities, adding to the divisiveness that is undermining American values, and corroding our democratic processes.  I am a member of the grassroots Dont Separate Families, ab organization working against the undemocratic policies of this administration regarding immigration. Democracy is important to protect and nurture. This policy is an abuse of our democracy.   I'm horrified to even have to write this comment. This idea is unAmerican and should not see the light of day. | **Response:**  This comment does not address the proposed information collection. |
| **Comment 225** | **Commenter: Naomi Fatt** |  |
| **4/15/2019** | This comment is in opposition to the proposed tip form, OMB control number 1615-NEW, Docket ID USCIS-2019-0001 which is being proposed by the U.S. Citizenship and Immigration Services.   I am a proud and patriotic American who believes deeply in the institutions that make us a strong nation, based on the rule of law. For this reason, I register my strongest objections to this form.  As a country, we have prospered because our people have from the beginning come and continued to come from many different places. As hard as it was to leave what they knew as home, they wanted to save themselves from violent gangs, like my grandmother did. They wanted to save their families from horrendous conditions.  Americans are not perfect. Change is hard. People who are already here, even those whose own parents and grandparents have come more recently, may react angrily and without any basis in fact. Many groups from whatever country they immigrate from often face bias, exclusion, and false blame for ruining our country.  We are better than other countries that encourage their citizens to anonymously report suspicions to the central governmentto deputize individuals to suspect and distrust their neighbors. This form is a small step toward undercutting the American promise and the promise that those who work so hard to get here will bring.   This form will not make us stronger or safer. It is an, albeit small, step toward an unjust and more divided society. We are better than this. | **Response :**  This comment does not address the proposed information collection. |
| **Comment 200** | **Commenter: Matthew Genaze** |  |
| **4/15/2019** | I oppose the USCIS Tip Form Proposal.  This proposal would enable any person to submit unsubstantiated tips of suspected fraud about immigrants or people who they perceive to be immigrants, to US Citizenship and Immigration Services.  This kind of information collection is rarely neutralit not only impacts individuals constitutional rights to due process but also provides an official channel for bigotry and hate against people of color and immigrants, creating a climate of hostility toward anyone who looks like different  Many farm and food chain workers and their families have suffered the consequences of unfair surveillance and criminalization in the guise of immigration reform.   America is stronger because of immigrants and refugees. They are one of the keys to what makes America great and what makes America's economy so productive. They do the jobs that other Americans are unwilling to. They need our support and equal protection under the law that the constitution promises as they work towards citizenship in the best manner their life circumstances allow them to.  I oppose the USCIS Tip Form Proposal. | **Response :**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 207** | **Commenter: Angela Aldrich** |  |
| **4/15/2019** | As a citizen of the United States I am opposed to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. It has great potential to harm our immigrant and refugee friends and neighbors.  This tip sheet encourages abuse and profiling against our immigrant and refugee communities. The form has no criteria or guidelines for submitting fraud requests and will encourage abuse by individuals seeking to harm immigrant communities.   Through this form, DHS threatens the statutory protections in VAWA and unlawfully gives perpetrators another tool for abuse, further endangering survivors. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 194** | **Commenter:** |  |
| **4/15/2019** | I am writing regarding USCIS-2019-0001, the proposed USCIS Tip Form, to express alarm and opposition to a form and process that allows anyone to make unsubstantiated reports of fraud against an individual without even having to provide the submitting individual's name and contact information. Undoubtedly this will encourage the use of this form for all types of harassment and control. It is particularly horrifying to consider how abusers in domestic violence situations will be able to use this form to make claims out of anger, intimidation,control, and/or revenge. This is a juvenile, wasteful form that has no justification to exist. Please do not move forward with this colossal and dangerous waste. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment 190** | **Commenter: Russell Novkov** |  |
| **4/15/2019** | lease stop unfair surveillance of immigrants and people of color. | **Response:**  This comment does not address the proposed information collection. |
| **Comment 183** | **Commenter: Bonnie Kerker** |  |
| **4/15/2019** | I oppose this bill. As someone who has worked with several immigrant families in New York City, I believe that encouraging anonymous surveillance and reporting of presumed violations of visa or benefit regulations is unfair and treats foreign-born residents as criminals. Immigrants today, just like our ancestors, are here to give a better life to their children. A life that we who were born here take for granted. Immigrants are mostly honest, rule-observing residents who deserve a chance. We shouldn't take that away from them or put unnecessary obstacles in their way. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 202** | **Commenter: Susanna Saul, Her Justice** |  |
| **4/15/2019** | I am writing on behalf of Her Justice in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   Attached is a full PDF of our comment. Below are the major points from our full letter:  1.The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion.   Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress confidentiality protections that mandate that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrators household or family member. These protections are codified at 8 USC 1367. The obligations of 1367 are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form.   2.The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process  USCISs primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.   3.The USCIS Tip Form Misuses USCIS Resources  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.   Our clients already suffer serious harm as a result of the adjudication delays at USCIS. The average processing time for adjudications of U Nonimmigrant Status Petitions is currently approximately 50 months. Our clients do not have access to employment authorization and cannot find work to support themselves and their children during the pendency of these adjudications. Instead of being given resources to receive and process claims of immigration fraud, it is critical that USCIS be given appropriate resources to adjudicate the petitions of victims of crimes in a timely fashion.  4.The USCIS Tip Form violates due process  USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of fraud, which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.   The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require this information in order for individuals to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.   USCIS has not provided any information on how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.   5.Information Sharing and Lack of Accountability  The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. Creating another avenue to report supposed immigration fraud through USCIS, with no accountability, oversight or limitations, will embolden abusers and traffickers to increase their threats against the people that they want to control and exploit. This will further disempower victims of trafficking, domestic violence and sexual assault and will drive them further underground.  Conclusion  Her Justice stridently opposes the publication of the USCIS Tip Form as it creates unacceptable obstacles for immigrant communities and survivors of domestic violence, sexual assault, trafficking and exploitation. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Sincerely, \_ Susanna 4u Managing Attorney | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 203** | **Commenter: Adam Carbullido,** Association of Asian Pacific Community Health Organizations (AAPCHO) |  |
| **4/16/2019** | Dear Ms. Deshommes: I write on behalf of the Association of Asian Pacific Community Health Organizations (AAPCHO) and our 33 community-based health care organizations, 29 if which are Federally Qualified Health Centers (FQHCs), to express our deep concerns with the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. This form will exacerbate the climate of fear and confusion that already exists among our patients, and immigrant families generally. It is duplicative and will add no value to fraud prevention. AAPCHO members serve more than 630,000 patients annually and are dedicated to promoting the health status of medically underserved Asian Americans, Native Hawaiians, and Pacific Islanders (AANHPI) in the U.S., its territories, and the Freely Associated States. Asian Americans and Pacific Islanders (AAPIs) are our nation’s fastest growing minority population, 1 with approximately 12.8 million AAPI immigrants residing in the U.S.2 Our members serve large populations of low-income AANHPI patients and communities who rely on supports to maintain their health and wellbeing. 27.4 million immigrants are employed in the U.S., comprising 17.1 percent of the U.S. total labor force, with Asians accounting for 25.2 percent of this immigrant labor force.3 Immigrants often fill low-wage jobs that lack health benefits and are often not pursued by U.S. citizens. AAPI immigrants rely on community health centers for health care and in order to positively contribute to their community, the workforce, and the economy. AAPCHO members help fill the gap in services for our patients by providing services that are uniquely appropriate to their patient populations including: comprehensive primary medical care, culturally and linguistically appropriate health care services, and non-clinical enabling services such as interpretation and case management. On average, AAPCHO’s health centers have a higher percentage of patients age 65+ than other health centers (10% vs. 7%). Our members also have a much higher rate of patients who are Limited English Proficient (LEP) (50% vs. 23%), with some health centers serving as many as 99% LEP individuals. AAPCHO members also provide a higher average number of enabling service encounters (9274 vs. 4953) than other health centers in response to the needs of our patients. In serving our patients, many of whom are themselves or family members of immigrants, AAPCHO members are acutely attuned to the fear, anxiety, and confusion of anti-immigrant sentiments and policies. The Federal Bureau of Investigation has reported a rise of racially, ethnically, or religiously motivated hate crimes,4 and media reports of deportations, family separation, or ICE raids have become more frequent. People of color and immigrant communities are often the victims of such crimes, and Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates. Recent reports from the FBI show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 Furthermore, immigrant families, regardless of immigration or citizenship status, are adversely affected by uncertainly in public policies enacted or proposed by the Administration. For example, the Administration’s proposed public charge rule, while not final, is already causing fear, confusion, and significant harm to the health and wellbeing of immigrants and their families, some of whom have naturalized and are entitled to public benefits. The combination of fear and confusion, known as chilling effect, is already causing people to disenroll from programs or forgo benefits to which they are eligible. As individuals and families disenroll from food and housing assistance and health insurance, their overall health and well-being decrease. Health centers see first-hand the impact that loss of health coverage, food insecurity and housing insecurity/homelessness have on our patients, especially children and the elderly. A lack of preventive and timely medical care results in individuals delaying or forgoing care—resulting in sicker patients and more expensive health care treatment. The proposed USCIS Tip Form adds to this culture of fear and confusion. Worse still, it will add no value to USCIS which already has a robust fraud collection process. With this environment in mind, AAPCHO strongly opposes the USCIS Tip Form because it is unnecessary and encourages the presumption of fraud in the immigration benefits process. USCIS already has existing mechanisms in place to collect information about fraud, e.g. through the Homeland Security Investigations (HSI) Tip Line. The proposed form creates a new avenue for individuals to submit unsubstantiated reports of fraud about individuals who appear to be immigrants, whether or not they are U.S. citizens. The form’s failure to require identification of submitters or collection of corroboration of claims not only creates unnecessary redundancies but may also lead to reporting abuse that would cause significant harm to immigrant communities. What is more, the USCIS Tip Form is broad and vague. USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS. The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. But the reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. USCIS has not provided any information on how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. AAPCHO opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant families and the AANHPI communities our members serve. We urge USCIS to withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical benefits. Sincerely, Adam P. Carbullido Director of Policy and Advocacy | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements |
| **Comment 199** | **Commenter: Daniel Marston** |  |
| **4/15/2019** | Such suggestions are fueled by fear, not calm and respectful consideration. Why such fear!? Make America clear and honest again! Not "great" - with half-dictatorial methods. | **Response:**  This comment does not address the proposed information collection. |
| **Comment 166** | **Commenter:** |  |
| **4/15/2019** | I oppose the use of the proposed USCIS Tip Form because it violates due process of a person's rights. My concern is that anonymous reporting will encourage misuse and false reports based on racism or hate. A false report could have serious consequences on a person's right to obtain an immigration benefit simply because someone chose to make an unsubstantiated claim online.  The processing times for adjudication of USCIS applications is rising in our area. For example, if a person applies for naturalization, it is taking at least 13 months for the person to be interviewed after the application is submitted. If a person makes a false report online, how will this affect the intending immigrant's case? How will the allegation be investigated and who will determine if the report is true or not. Instead of focusing on ways to deny a person's immigration benefit, I would recommend that USCIS focus on a way to make the process more efficient. | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 178** | **Commenter: Lauren (last name onknown)** |  |
| **4/15/2019** | I oppose this strategy for the simple fact that our days of protection due to intrusive spying are over. I'm sure that ended with the Boston Marathon Bombing, which was committed by a native born citizen.  That's why I'm convinced that if we want to protect ourselves, we must do better than resort to more spying. | **Response:**  This comment does not address the proposed information collection. |
| **Comment 175** | **Commenter: Shari Raider** |  |
| **4/15/2019** | I do not support the creation or use of this new tool. It is dangerous for the public to be able submit unsubstantiated reports of fraud about individual immigrants. This will not make our communities safer. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 191** | **Commenter:** |  |
| **4/15/2019** | I oppose the proposed information collection system for the following reasons: 1. Anyone can submit unsubstantiated tips of suspected fraud about immigrants or people they only perceive to be an immigrant. I believe that this will largely be based upon how they look or if they hear them speak another language. This is not reliable and accurate information to go on. 2. This kind of information collection is rarely neutralit not only impacts individuals constitutional rights to due process but also provides an official channel for bigotry and hate against people of color and immigrants, creating a climate of hostility toward anyone who looks like different than they do. This ties into my first reason of why it is not reliable information. and 3. Many farm and food chain workers have already been subjected to unfair surveillance and criminalization in the guise of " immigration reform". I urge you not to follow through with this prospective information collection system. Thank you. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 216** | **Commenter: Gigi Gruenke, MainSteee** |  |
| **4/16/2019** | MainStreet Moms is a citizen activist group in Western Marin County, CA. We value the rights and dignity of all people living in the USA as well as the health of the environment. We do not wish to see immigrants subjected to unsubstantiated accusations of fraud without even a definition of fraud. That the accused person be unaware of the precise accusation violates due process. Finally, this regulation would violate the Violence Against Women Act (VAWA) by allowing perpetrators to provide false, unverified information about the abuse. USCIS-2019-0001-0001 violates basic human rights and dignity. We strongly oppose this form! | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action. |
| **Comment 217** | **Commenter: John Zinner,** Interfaith Center on Corporate Responsibility (ICCR) |  |
| **//2019** | ear Ms. Deshommes: The undersigned institutional investors, members of the Interfaith Center on Corporate Responsibility (ICCR), a coalition of faith-based and values-driven institutional investors representing $400 billion in assets under management, have profound concerns about the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.1 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years.2 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.3 Immigrants are essential contributors to American communities and to the American economy. Targeting immigrant communities in this way is a radical change to our immigration system, which will put many families at risk. Government resources are being used to increasingly tear individuals from communities. The implementation of this Tip Form illustrates that a targeting of immigrants and immigrant communities, not a real focus on public safety that is motivating this policy change. A study by the New American Economy highlights that immigrants are significant contributors to the U.S. economy--“immigration creates an economic opportunity—creating jobs, filling workforce gaps, and helping communities thrive.” Immigrants comprise one in five entrepreneurs in the U.S., according to the study. The 3.2 million immigrants who run their own businesses are also responsible for employing 8 million American workers and generating $1.3 trillion in total sales in 2017. Further, such reporting and targeting is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.4 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. The analysis of USCIS statistics shows that case processing delays have reached crisis levels, with harmful consequences for families, vulnerable populations, and U.S. businesses throughout the country. For example, increased delays in the adjudication of employment-based benefits have undermined the ability of US companies to hire and retain essential workers and fill critical workforce gaps. USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. Further, the proposed USCIS Tip Form requests does not require that individuals provide their name and contact information to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information on how it will handle and respond to these anonymous tips. Because the information is collected anonymously it will be difficult to assess its credibility. Those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.5 By contrast, the new USCIS Tip Form will provide abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. The signatories to this letter strongly opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Sincerely, Josh Zinner, Interfaith Center on Corporate Responsibility And representing: Adrian Dominican Sisters, Portfolio Advisory Board Conference for Corporate Responsibility Indiana and Michigan Congregation of Holy Cross, Moreau Province Congregation of Sisters of St. Agnes Congregation of St. Basil Congregation of St. Joseph Dana Investment Advisors Daughters of Charity, Province of St. Louise Dominican Sisters of Hope Dominican Sisters of Sparkill Franciscan Sisters of Allegany NY Hansen's Advisory Services, Inc. Justice, Peace and Reconciliation Commission, Priests of the Sacred Heart, US Province Marist Fathers and Brothers Maryknoll Fathers and Brothers Mercy Investment Services, Inc. Midwest Coalition Responsible Investment Mount St. Scholastica Natural Investments Northwest Coalition for Responsible Investment Providence St. Joseph Health Racine Committee for Peace and Justice Region VI Coalition for Responsible Investment Rochester MN Franciscan School Sisters of Notre Dame - Central Pacific Province School Sisters of Notre Dame Cooperative Investment Fund SharePower Responsible Investing Sisters of Charity of Leavenworth Sisters of Charity of New York Sisters of Charity, Halifax Sisters of Mary Reparatrix Sisters of Notre Dame de Namur Sisters of O.L. of Christian Doctrine Sisters of Saint Joseph of Chestnut Hill, Philadelphia Sisters of St. Dominic of Blauvelt, New York Sisters of St. Francis Sisters of St. Francis Charitable Trust, Dubuque Sisters of St. Joseph of Boston Sisters of St. Joseph of Springfield Sisters of the Humility of Mary Skye Advisors LLC Socially Responsible Investment Committee of the Racine Dominicans St. Mary's Institute T'ruah: The Rabbinic Call for Human Rights Tri-State Coalition for Responsible Investment Ursuline Convent, Toledo, OH Ursuline Sisters of Louisville Ursuline Sisters of Tildonk, U.S. Province Xaverian Brothers | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 198** | **Commenter: R & CH.** |  |
| **4/15/2019** | This policy has great potential for abuse because people can  be wrongly accused of immigration fraud without proof. It can be used as a form of harassment and power mongering that  is contrary to human rights. Please do not institute this police.  R.H.  This policy encourages neighbors to spy on each other. It can be used by  Domestic Partners, employers and human traffickers as a control tactic . It can be used for purposes of coercion. It causes fear and mistrust in our  Community. Undocumented people well not operate in the  open and will be less likely to report crimes, seek medical attention or  employment which will impact public health. A policy like this will increase  the need for more jail space and burden are police departments, and ICE.  I believe that our past immigration policies were not perfect and can be  improved but not on the backs of people who are seeking asylum. I believe  immigrants built this country and have a lot to offer economically.  Instituting this policy reminds me of Nazi Germany and what was done  to the Jewish people. Lets not encourage mistakes of the past.  C.H. | **Response:**    All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 187** | **Commenter: Helen Reiss** |  |
| **4/15/2019** | As a clinical social worker, I see firsthand the fear that immigrant families are living with during these times. Immigrant parents of US born children are forgoing benefits that their children are legally entitled to out of fear of being deported and separated from their children. This proposed is unnecessary and will only serve to add to this fear by pitting neighbor against neighbor, sowing suspicion and mistrust. Please do not add this additional tool to terrorize families. | **Response:**  This comment does not address the proposed information collection. |
| **Comment 165** | **Commenter: Kate Gessert** |  |
| **4/15/2019** | Please do not go ahead with your proposed USCIS tip form, on which anyone could anonymously give information about suspected immigration fraud, whether or not there was any basis. This is the path to a police state like the U.S.S.R. was, inviting people to inform on each other. I worked for several months in what was the Soviet Union and saw the harm that a system of informing had done to families and all society. It was terrible.Providing tip forms on which people can inform on each other is not American in any way, and it seems to me it wouldn't be constitutional, either.  A form like this would make many immigrants very fearful, both documented and undocumented. It would ruin the friendliness of workplaces and neighborhoods. USCIS would end up with plenty of information that had no basis in fact, but checking out the information would cause hardships to individuals and families.  Sincerely yours, Kate Gessert | Response:  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 188** | **Commenter: James Keenan** |  |
| **4/15/2019** | I oppose this tip form as it can easily be used to harm individuals and families with unverified information. Having citizens reporting on each other is a hallmark of authoritarian regimes rather than democracies that are based on the rule of law. | **Response:**  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 226** | **Commenter: Danielle Demeuse, the Committee for Hispanic Children and Families (CHCF)** |  |
| **4/15/2019** | Dear Ms. Deshommes: I am writing on behalf of the Committee for Hispanic Children and Families (CHCF) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. The Committee for Hispanic Children and Families is a nonprofit organization that serves underresourced and underrepresented communities in New York City. Our agency combines education, capacity-building and advocacy to strengthen the support system and continuum of learning for children and youth. While we primarily work within educational systems, we recognize that the climate in which a child and their family exist, and the lived experiences that occur concurrent to educational experiences, impact the ability for children to excel in their physical, social-emotional, and cognitive development. CHCF envisions a system that is not only equitably accessible, but one that providers opportunities for success, empowerment, and and cultural affirmation for all. That said, our agency recognizes the need to speak up in response to policy moves that will work against the communities we serve on all accounts, damaging their well-being and ability to fully thrive as rightful members of our society. The proposed tip form would further fuel an environment of open hostility against groups that have been targeted and directly and unjustly implicated within the administration-led anti-immigrant campaign. The proposed Tip Form allows for unsubstantiated reports by individuals who cannot have a comprehensive understanding of any individuals’ status or rightful and appropriate use of benefits. We are disturbed by any and all efforts by the U.S. government to encourage and solicit acts of profiling and harassment against immigrants or those perceived to be immigrants under the profile that the administration has set up in the minds of U.S. residents. CHCF fervently and wholeheartedly opposes the proposed Tip Form for the reasons enumerated below: I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 The FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.4 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.5 Efforts to insight fear and confusion in immigrant communities have been exacerbated in the past two years. In New York City alone, CHCF is aware of instances of anti-immigrant efforts to encourage the harassment and reporting of those perceived to be “illegal aliens,”6 and of ongoing concerns by families to go to government-run spaces. Due to instances of irresponsibility and insensitivity by federal authorities, families are afraid to even bring their children to school.7 By design, these xenophobic and racially charged occurrences have produced a climate of distrust and fear for all community members, regardless of immigration status The implementation of the USCIS Tip Form only furthers this climate and injustice by permitting unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.8 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. The rightful use of benefits by immigrant families does not and should not imply abuse of benefits. In times of economic insecurity, timely access to benefits means necessary access to housing, food, and healthcare (among other supports), which establish a foundation from which families can thrive. By further slowing down a process which already leaves vulnerable families in an unnecessary state of insecurity, due to unsubstantiated reporting that has no valid foundation, the government would be further subjecting families and children to insecurities in accessing life’s necessities. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. IV. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. For the U.S. government to share unsubstantiated reports from sources that are unchecked for validity – from individuals who are not held accountable for their statements – as a trigger for U.S. agencies to track down immigrants who are accused of abusing benefits is abhorrent. The administration has been intentionally creating an availability heuristic for who might be an “illegal immigrant,” and now seeks to turn residents who could be harboring xenophobic bigotry against targeted groups into informants in this persecution. To implement this Tip Form would further steer this nation, and its residents, down a path of cruelty and immorality.  V. Conclusion  The Committee for Hispanic Children and Families (CHCF) stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 162** | **Commenter: Jesse Schaffer** |  |
| **4/15/2019** | I oppose this proposed change because it poses significant risks to health and safety for individuals and families. Based on the experiences of our communities, we are concerned that the type of crowd-sourced immigration surveillance that is being proposed will create a climate of hostility toward anyone who looks like the other.  My perspective is informed through interactions with many base-building grassroots partners around the United States, who are committed to Community Safety. In fact, among our network, Community Safety is the fourth-most frequently-focused on the social determinant of health that grassroots partners are campaigning and/or advocating around. Our grassroots partners and their fellow community members experience intergenerational inequity, injustice and trauma around over-policing: which further manifests as disproportionate incarceration of and diminished public safety for people of color. We fear that this proposal would only exacerbate this inequity.  I am deeply concerned that USCIS is proposing to transfer its duties to adjudicate (unsubstantiated) requests for immigration benefits, to laypeople who are neither trained nor vetted to investigate suspected or actual fraud by anyone else, let alone the specific target of this proposal immigrants.  The Department has not offered any justification for further formalizing the existing process under which fraud can be reported. Furthermore, Muslim, Arab, Iranian, Middle Eastern and South Asian Americans are facing increasing levels of harassment and violence per the FBIs own documentation. Due to this and other evidence of the epidemic of bias and bigotry that is already affecting community members across the country: we do not accept further subjecting immigrants or people who look like immigrants to ongoing targeting, scrutiny, surveillance and potential loss of government benefits without a) sufficient evidence and b) due process. This treatment of immigrants and others would constitute government-sanctioned harassment and intimidation.  In addition, the broadness of the form coupled with the lack of clarity in how the information collected could be used in adjudications including what opportunities could be offered for applicants to learn about and refute allegations against them are unjust per our nations existing legal framework. This is especially concerning given that the form states that information may be shared liberally with other law enforcement agencies. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.  This proposal increases the potential for heightened abuse and profiling, the inhibition of due process and transparency, and the endangerment of victims of violence such that perpetrators could use this form as an oft-resorted-to tool of abuse discouraging victims reporting abuse. This online reporting form would be anamplification of, rather than a deterrent to, existing health and safety risks immigrants face every day.  This appears to be yet another false solution to an imagined crisis designed to further drive wedges between neighbors and communities. We recommend pursuing policies that unite rather than divide communities and urge you to rescind this proposal as it would threaten public health and exacerbate growing anti-immigrant rhetoric and a climate of fear. We also call upon our leaders to support legal immigration: and to not increase harm through exposing already-vulnerable immigrant children, families and workers to further bias, discrimination and hate. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 205** | **Commenter: Aparna Raghu** |  |
| **4/16/2019** | I am writing to oppose the USCIC Tip Form proposition. This proposed rule would enable people to seek revenge and perpetuate bigotry by submitting "tips" around a person's immigration status, perpetuating hate against immigrants and communities of color and leaving these communities in fear. This would negatively impact my community and communities of color everywhere who would be placed under unjust and unconstitutional surveillance that leads to constant fear and violation of due process. Surveillance and criminalization is not immigration reform - it is a way to "put immigrants in their place" and make hardworking communities live in constant fear and breed further exploitation of these communities. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 223** | **Commenter: Urban Justice Center** |  |
| **4/15/2019** | Dear Ms. Deshommes: I am writing on behalf of the Urban Justice Center in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. The Urban Justice Center works for the most vulnerable New Yorkers through a combination of direct legal service, systemic advocacy, community education and political organizing. Many of our clients and constituents are noncitizens, who include people with mental illness, victims of domestic violence, trafficking, and predatory lending, those facing abuse by landlords and employers, and those fleeing persecution in their home countries. I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, as do many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Individuals reported via such a tip form would almost certainly face increased scrutiny, surveillance, and potential loss of immigration benefits without any due process that could enable them to refute allegations of fraud. The USCIS Tip form would provide another tool with which abusive partners, traffickers, and exploitative employers could threaten victims and survivors of domestic violence and human trafficking. We know that threats to report noncitizens to immigration are a favored tool of abusers and traffickers, and this tip form would only make it easier for them to make and carry through on such threats. Abusers frequently tell victims that no one will believe them—it will be only too easy to convince a victim that the abuser can make a false report of immigration fraud and that the report will be believed and the victim placed in removal proceedings. Victims will be even more afraid to seek help and leave abusive or exploitative situations. The Trafficking Victims Protection Act defines severe trafficking in persons to include force, fraud, or coercion, and defines coercion to include the threatened abuse of the legal process. 22 USC 7102. The most common tactic traffickers use against our undocumented clients is warning that if they do not comply with demands for commercial sex or labor, the trafficker will report the client to immigration. The proposed tip form’s existence on the USCIS website would have the devastating effect of legitimizing traffickers’ threats. The accessibility of the form and potential for indiscriminate use make it easy for traffickers to show victims the form as proof of an easy and immediate way to carry out their threat of reporting the victim to immigration. Moreover, there is no way USCIS could ensure that by using the information supplied in these tip forms, they would not be violating 8 USC 1367(A)(1). These provisions prohibit the Department of State, Department of Homeland Security, or Department of Justice from making an adverse determination of an alien’s admissibility or deportability using information furnished solely by an abuser for VAWA self-petitioners, battered spouse waiver petitioners, and applicants for U nonimmigrant status, or information furnished solely by a trafficker for applicants for T nonimmigrant status. Because the information about the identity of the individual submitting the USCIS Tip Form is both optional and requires no verification, it will be impossible for USCIS to determine if the information is being furnished by a trafficker or abuser. Similarly, for our clients who are tenants in rent stabilized apartments in New York City, this form will provide an easily available tool of abuse for landlords who threaten to call immigration in order to force immigrant tenants out of their homes. Not only will the threat of this tip form keep our clients in abusive situations, the use of the tip form will put them in a position where they have to prove a negative. We have one client whose long time, abusive U.S. citizen spouse once claimed he had engaged in marriage fraud. This is part of the pattern of abuse he suffered, but he has struggled—so far unsuccessfully—to counter her false claim of fraud; despite the fact that they remain married and living together. II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Processing delays have prevented our clients from stabilizing their lives, health, and finances. Many of our clients live in desperate economic circumstances while they await decisions on immigration applications that are pending for longer and longer periods of time. Some clients have had to try to find cancer treatment without reliable access to health insurance because of processing delays with their applications for T status. Clients with dying parents whom they had not seen for decades were not able to travel to their abroad to say goodbye to loved ones, whereas if they had been granted T status earlier, they could have traveled after obtaining a grant of Advance Parole. Asylees’ family members remain abroad in dangerous situations for years while their derivative asylee applications are pending. Clients who were granted Continued Presence in acknowledgement of their cooperation with law enforcement’s investigation of their traffickers are once again falling out of status for months as the Continued Presence renewals are delayed. Without a valid EAD, they are unable to provide for themselves and their children and vulnerable to retrafficking. Even our clients who have been granted immigration status already suffer as the result of processing delays. USCIS advises against renewal of Employment Authorization Documents more than 90 days before the date of expiry, but it takes much longer for a new EAD to be approved. Recently, a client who is a trafficking survivor sought to renew an EAD that expired at the end of October 2018 in August 2018. The EAD was not granted until March 2019. Between October and March, the client encountered many difficulties explaining to the DMV, health insurance offices, and her employer why her employment authorization document was not current. Our clients with pending petitions for U nonimmigrant status are stuck in a limbo with no clear end in sight. They are unable to work lawfully, which leaves them economically precarious and at risk of further abuse and exploitation. Many clients are forced to reunite with an abusive partner because it is too difficult to support themselves and their children without work authorization. When cases pend for years, even clients with work authorization pursuant to a pending asylum claim or pending adjustment of status application are unable to fully rebuild and move on with their lives. One client is afraid to leave a situation where she is subjected to domestic violence until her naturalization application is approved. Another client is unable to graduate from job training until her work authorization is issued. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”8 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 In every VAWA case we have seen, the LPR or USC spouse held his or her lawful status over the undocumented spouse and explicitly threatened to call immigration or have the undocumented spouse deported. We have worked with survivors whose abusers intentionally sabotaged the joint interview following a jointly filed I-130 and I-485. We have worked with a survivor whose abuser, in retaliation for the victim leaving the abusive relationship filed not for divorce but for annulment, falsely alleging that the victim entered the marriage for immigration purposes, in the hopes of stymying the victim’s ability to file a VAWA petition. We have worked with a survivor whose abuser made a false criminal allegation against the victim, leading to ICE arresting the victim outside the courthouse. We have worked with trafficking victims whose traffickers tell them that if they try to escape, the trafficker will call ICE because the victim is undocumented. Nor is immigration-related abuse confined to instances where the abuser or trafficker is documented and the victim is not. Because domestic violence is characterized by a dynamic of power and control, and because abusers prey upon their victims’ vulnerabilities, even undocumented abusers recognize that their victims’ undocumented status is a point of vulnerability. As such, they frequently threaten to report the victim to immigration or tell the victim that, because he or she is undocumented, his or her story of abuse will not be believed. To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”13 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.  VI. Conclusion  The Urban Justice Center vehemently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 209** | **Commenter: Sula Howell** |  |
| **4/15/2019** | I strongly oppose the tip form to report "fraud" by undocumented individuals. It puts whole communities at risk for abuse and smacks of neighbor-upon-neighbor reporting. If the "burden" to an individual member of the public is .166 hour to report, I can imagine how the form itself can be abused.   I have noticed the handy drop-down menu of the form which lets a "reporter" select their particular tip, whether it be for asylum fraud, visa fraud, fiance/marriage fraud etc.  Repressive governments use this tactic. It's awful and has the potential to further marginalize human beings. And it's soul-destroying for those who would take 10 minutes out of their day to report what they suspect is "fraud." | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 174** | **Commenter: Andrea Guttin** |  |
| **4/15/2019** | This anonymous and unsubstantiated fact sheet, which would allow anyone with a grudge or who dislikes a particular individual or immigrants more broadly to file a report and jeopardize that person's case. The proposed regulation should not go forward, as the harm is much greater than the benefit. Specifically, I fear that employers and abusers will use this form to keep the their victim in check - whether it be a spouse they are physically and sexually abusing or an employee whose labor they are exploiting. It is particularly nefarious that this form can be used against those who have already gained status, as it means many more people could be subject to such manipulation, exploitation, and abuse. | **Response :**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 195** | **Commenter:** |  |
| **4/15/2019** | Immigrants and their US-born children are already viewed with hostility by some members of the larger community and many are afraid to sell legal council because it will exposed them to deportation. Advertising and encouraging anonymous surveillance and reporting of presumed violations of visa or benefit regulations will increase this hostility by unfairly branding foreign-born residents as criminals.  Many immigrants forfeit their benefits for which they or their children are eligible out of fear that it will lessen their chances for positive outcomes on their immigration applications. Furthermore, having these requests for surveillance and anonymous tips come from the same agency that is evaluating their legal applications to remain in the US sends a very unfortunate message that USCIS is hostile to foreign-born residents. This will cause more people to hide in the shadows, rather than seek a path to legal citizenship. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 163** | **Commenter: Melody Saint Saens, Bay Area Legal Aid** |  |
| **4/15/2019** | Dear Ms. Deshommes: I am writing on behalf of Bay Area Legal Aid in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. As a legal services organization providing free legal services to roughly 10,000 low income individuals each year in California's Bay Area, many of whom are immigrants and survivors of interpersonal violence, we have an understanding of the impact the USCIS Tip form would have on the people and families we serve. In addition to undocumented survivors of interpersonal violence, our immigrant client population also includes legal permanent residents, individuals granted asylum and refugee status, and naturalized citizens. Many of our clients are U. S. citizens who live with immigrant relatives in mixed status families. Among its core priorities, Bay Area Legal Aid provides free wrap-around legal services to low income survivors of interpersonal violence (which includes domestic violence, sexual assault, human trafficking, and child abuse) in seven of the nine Bay Area Counties. We also run domestic violence restraining order clinics through which we assist self-represented litigants, regardless of status, in requesting domestic violence restraining orders against their abusers. Last year alone, we assisted 1,254 survivors at our domestic violence restraining order clinics. Survivors come to Bay Area Legal Aid seeking help with a myriad of legal issues, including housing, domestic violence restraining orders, family law, consumer law, health access, access to public benefits, and immigration. Many of the survivors we help are immigrants of varying status and many are people of color. In 2018, we closed 2,040 cases in which the survivor identified as a survivor of domestic violence, sexual assault, or human trafficking. Most of the cases were around family law and immigration relief. Specifically, we closed 718 family law cases and 178 immigration relief cases. Out of these cases, 516 were on behalf of non-citizens. At Bay Area Legal Aid, we are deeply concerned that the proposed USCIS Tip Form will encourage false reports of fraud without due process, promote anti-immigrant hatred, undermine state and federal laws meant to protect immigrants and others from discrimination based on status and perceived status, waste USCIS resources, and further endanger survivors of interpersonal violence. l. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS's primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI's own admission.4Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. At Bay Area Legal Aid, we are concerned that the proposed USCIS Tip Form will not only create a chilling effect on immigrants seeking immigration relief, but also on their ability to exercise their rights and seek legal remedies in state and federal courts. Specifically, a trafficker or an abusive partner or spouse, landlord, or employer could utilize the proposed USCIS Tip Form as a way to circumvent the law and retaliate against immigrants to prevent them from seeking help from law enforcement, family law court, civil proceedin9s, and from pursuing other legal remedies. 11. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.' Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Processing delays at the various USCIS Service Centers have already impacted individuals applying for immigration benefits. Consider the current processing times for several types of immigration relief for survivors of interpersonal violence: 1) Applicants for U nonimmigrant status must wait between 51 to 51.5 months from the time of initial filing until USCIS Vermont Service Center or the Nebraska Service Center determines whether to place them on the Waiting List. These applicants will probably have to wait an additional few years until USCIS issues a final adjudication in their respective cases; 2) Applicants for the VAWA Self-Petition must wait between 17.5 to 22.5 months for the USCIS Vermont Service Center to process their applications; 3) Applicants for T nonimmigrant status must wait between 16 to 23.5 months for the USCIS Vermont Service Center to process their applications.8 The implementation of the USCIS Tip Form will add to these delays. USCIS officers will be obligated to investigate reported allegations of fraud, diverting their resources already strained by the number of pending applications. Furthermore, these delays will jeopardize immigrant survivors waiting on the processing of their immigration applications, thereby making it even more difficult for them to obtain immigration relief critical to their ability to separate from their abusers, regain their autonomy, obtain health access, and improve their economic security and financial stability for themselves and their dependents, many of whom are U.S. Citizen children. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an "other" category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. 111. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of "fraud," which has a complex definition under the Immigration and Nationality Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information about how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. At Bay Area Legal Aid, our immigrant clients have been the direct victims of similar false reports in other contexts. It is not uncommon for abusers to use processes available to make false reports (particularly when they can do so anonymously) as a mean to harass or further abuse their victims. For example, roughly half of the welfare fraud cases that our attorneys handle are related to our clients experiences with domestic violence and the abuser making unfounded allegations to retaliate against the victim. Moreover, we have observed abusers make anonymous reports of baseless claims of child abuse and neglect against our clients causing 4 Children Protective Services to open investigations that waste the social workers time and resources. The proposed USCIS Tip Form also encourages abuses against immigrants in direct contravention of state law. For example, in our housing practice, we have encountered alarming cases where landlords have directly and indirectly used a client's perceived immigration status to intimidate them from enforcing their legally-recognized tenancy rights under California law to due process or to a habitable unit. In one of our recent cases, a landlord baselessly threatened an immigrant survivor of domestic violence with eviction for nonpayment of rent in retaliation for her having complained about habitability conditions. The landlord publicly disparaged the tenants perceived "illegal" status in front of neighboring tenants, which made the tenant reasonably believe that the landlord was threatening to use her perceived status against her if she did not abandon her habitability complaints. In another case, a minor client reported that the property manager in his complex had threatened the clients immigrant father with deportation if the client and his family did not abandon his disability-related reasonable accommodation request for more time to move out of their unit. The adverse effects of these unchecked abuses are not confined to undocumented tenants but also extend to those other family members residing with affected tenants who otherwise possess legal status or U.S. citizenship. For example, a U.S. citizen client sought to enforce her right to a refund of her security deposit under California law. In retaliation, the landlord made explicitly discriminatory references to the tenants perceived "undocumented" status as part of her strategy to force the client to drop her claims. These examples make it abundantly clear that landlord-related discrimination and abuses against California tenants based on their perceived or actual undocumented status is an all-toocommon reality within our state. These unchecked abuses also ultimately serve to frustrate housing code enforcement efforts within the state and otherwise make it difficult for problematic landlords who may use tenants' perceived immigration status as justification for violating habitability, retaliation, and other essential housing requirements from being held to account. Individual states have the authority, under the police powers reserved to them in the U.S. Constitution, to enact statutes and regulations to preserve and to further the health, safety, and general welfare of persons residing within their respective territories. California and other state legislatures have acknowledged that immigrants, or those perceived to be immigrants on account of their ethnicity and/ or race, are especially susceptible to abuses at the hands of landlords, many of whom utilize the threat of deportation to dissuade tenants from reporting landlord noncompliance with habitability, fair housing, and due process requirements. In light of this trend, California and other states have passed legislation and implemented measures aimed at curtailing these specific landlord abuses. Because of its lack of built-in safeguards or accountability for false reporting, the proposed USCIS Tip Form carries with it the high likelihood that it will be used as a vehicle by 5 unscrupulous landlords seeking to shirk their responsibilities under state law. Adoption and dissemination of this form will serve to significantly strain an individual state's ability to enforce its own statutory protections aimed and curtailing abusive landlord practices within its jurisdiction. IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as "one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation."9Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.19 At Bay Area Legal Aid, we have observed that some abusers do act on these threats and take advantage of their victim's lack of legal status or their victim's dependence on them to qualify for immigration relief. For example, we have a client who filed an 1-751 Joint Petition to remove the conditions on her two-year permanent residence card with her husband. The latter was violent and emotionally and verbally abusive during their marriage. After they filed their joint petition, the husband shot our client several times with a gun and then killed himself. Miraculously, our client survived the brutal shooting. She filed an Amended 1-751 Waiver based on her husband's abuse and his death. Several months later, she received a letter from the California Service Center stating that her husband —unbeknownst to our client — had mailed a letter to USCIS withdrawing the original 1-751 Joint Petition. Chillingly, he had done so just six days before trying to murder his wife and dying by suicide. Had she had not filed the 1-751 waiver, our client would be out of status due to the actions of her abusive, now deceased, husband. In another case, an abuser misused his ties to law enforcement for personal reasons to gain the advantage in a parentage action. The abuser was a former law enforcement officer whose sibling was an active police officer and whose father was a former police officer from the same law enforcement agency he had once been an employee of. The abuser enlisted the help of his immediate relatives who had been ordered to supervise the visits between our client and their minor daughter. His relatives had several ICE officers waiting to arrest our client at a scheduled supervised visitation on our client's birthday and in front of her minor daughter. As a result, our client was removed to her home country with no ability to return in the near future. The abuser admitted in family law court that he had done so to prevent our client from having contact with her daughter until she turned eighteen years of age. Thankfully, with our help, our client was able to participate meaningfully in the family law court system and obtained in-person visitation with her daughter in her home country after a year and half of litigation. To help combat these types of abuses, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence. VAWA allows survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not make adverse determinations based on information solely provided by a perpetrator or a member of a perpetrator's household or family." These protections, codified at 8 USC § 1367, are "designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims."12 This protection applies to abused spouses and children generally, as well as, to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.13DHS own guidance instructs: There are a number of ways DHS employees might receive "tips" from an abuser or an abuser's family, such as: calling ICE to report the victim as illegal, a "landlord" (who may actually be a human trafficker) calling ICE to report that his "tenants" are undocumented, or providing information to USCIS rebutting the basis for the victim's application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect."" Our family law attorneys frequently represent immigrant domestic violence survivors — both with and without status — and report countless examples of these immigration-related abuses, which often have dire consequences for our clients and their families' safety and security. Many of our immigrant clients report that their abusers have threatened to call immigration or ICE or have them deported if they were ever to leave them, even by abusers who themselves lack legal status! Furthermore, many of our clients decide not to seek the child and spousal support they are entitled to due to threats from their abusers to report them to USCIS for immigration fraud if they seek support. Almost always, these threats of immigration fraud are baseless and unsupported by any facts, but serve their purpose of intimidating and controlling our clients to do what the abuser wants. Clients, especially before they obtain legal counsel who can explain their rights to them, also often agree to unsafe child custody and visitation arrangements due to fear that their abuser will report them to USCIS and they will lose their children if deported. Once we become involved in the case, it becomes difficult for us to later argue for a modification of the custody/visitation orders that have been in place, putting children and our clients at risk. Here is one particularly horrific example of how an abuser relentlessly weaponized the immigration process against multiple victims and avoided consequences for his crimes: We represented over several years an immigrant client whose abusive husband sponsored her and her minor daughter from a separate relationship. The abusive husband intentionally made mistakes on the immigration paperwork so that the application was rejected. Our client learned that her husband was sexually abusing her older daughter and the two toddlers that she shared with him. She appropriately filed for a domestic violence restraining order to protect her and the children. When the abusive husband learned that our client's older daughter was planning to testify against him at the restraining order trial, he reported her to immigration to have her removed from the country, and removal proceedings were indeed initiated against her. With the help of an immigration attorney, our client was able to obtain a green card for her and her daughter (but not without the husband showing up unannounced at the daughter's immigration interview to try and get her status revoked). Both client and her daughter are now naturalized citizens. The Family Court eventually made findings that the husband sexually abused all three children. However, no criminal proceedings were ever brought against him because he claimed to the police that our client and daughter were making up the abuse just to get immigration status. Since there were removal proceedings against the daughter at the time, police believed the husband, did not take our client's allegations seriously, and did not properly investigate the sexual abuse. Many immigrant clients who file for divorce against their abusive U.S. citizen spouses often see their abusers file responses seeking a nullity on the basis of fraud even though the parties entered into a good faith marriage. In our experience representing immigrant survivors of interpersonal violence, we have also observed numerous times that abusers will respond to domestic violence restraining order requests by denying that the abuse happened and claiming that our immigrant clients are seeking restraining orders only to obtain immigration relief. Abusers will even file false restraining order requests against our immigrant clients as an intimidation tactic. Our immigrant clients who report their abuse to law enforcement agencies will often have to testify in criminal court against their abusers. Their abusers will often claim that the immigrant survivors filed false police reports to get a U visa. At Bay Area Legal Aid, we are concerned that the proposed USCIS Tip Form will become an additional weapon in the arsenal of abusive tactics that abusers will use against our clients and survivors who are trying to exercise their rights and seek the immigration relief they are eligible for. Survivors will be less likely to reach out to law enforcement to make reports about their abuse and to apply for the immigration relief that was created specifically so that they could help law enforcement agencies investigate and prosecute violent crimes that harm the safety of our 8 communities and so that they did not have to rely on their abusers to legalize their status. By generating such a chilling effect, the proposed USCIS Tip Form in essence does the opposite of what the immigration remedies created under VAWA, TVPA, and the VTVPA, purport to do. Finally, our attorneys have to be vigilant in protecting the privacy of our clients immigration status and/or pending VAWA applications from not only abusers, but opposing attorneys, and even ill-informed judges. This includes making objections and filing motions against discovery requests for immigration applications, and pushing back against unlawful inquiries into our clients' immigration status, which is almost always not relevant in the family law context. Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the proposed USCIS Tip Form process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC § 1367. The obligations of 8 USC § 1367, which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the USCIS Tip Form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement ("ICE"). USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. We are deeply concerned about both the anonymous nature of the proposed USCIS Tip Form, and the lack of transparency about how the collected information will be used and shared. Not requiring submitters to provide their identifying information will make the process susceptible to abuse, and will also undermine the reliability of the information provided. Anyone with a personal grievance against an immigrant, be it an ex-partner, neighbor, or coworker, could use the tip form as a way to retaliate against that person. There is no indication that the subjects of the reports would receive notice of the alleged fraud reported against them, or afforded the opportunity to defend themselves. There is also no indication of whether and how USCIS will make any attempt to verify the accuracy of the information before sharing it with other government agencies, including ICE. In addition to the examples mentioned above, we have already heard of instances in which people attempt to use the immigration system to retaliate against others with whom they have a personal grievance. In one instance, another service provider was representing a United States citizen and his immigrant spouse who had entered into a marriage in good faith but parted ways 9 while her 1-751 petition to remove conditions on her residence was still pending. The citizen spouse, angry about their separation, wanted his wife to suffer and pay for this decision. He wanted to report his wife to USCIS and accuse her of fraud as a form of retaliation against her. Their immigration attorney reminded the husband that there was no fraud and he relented. Had the proposed USCIS Tip Form been available, it would have been easy for the angry husband to file an unsubstantiated report incriminating his wife, without affording her the opportunity to defend herself or disprove his allegations. An accusation of fraud would have jeopardized her chances at other, future forms of immigration relief for which she would have otherwise been eligible. It could have also put her at risk of removal had that information been shared with ICE. As previously stated, Bay Area Legal Aid represents survivors of interpersonal violence as they pursue various forms of immigration relief. Abusers, especially those who are more sophisticated and speak English well, commonly misuse the legal system as a retaliatory tool against their victims. For example, one of our current clients is a woman whose abusive partner falsely accused her of assault. Her resulting criminal case could jeopardize her own eligibility for immigration relief for which she otherwise qualifies. In other instances, we have observed abusers make false allegations of domestic violence to get a restraining order against their victims only after the victims first sought a restraining order in family law court. Offering abusers an anonymous reporting form like the proposed USCIS Tip Form would give them yet one more tool to use against their partners, but without any of the due process protections of the criminal justice system or of the family law courts. This proposed tool will undermine the safety and confidentiality of the immigration relief that Congress intended to provide to survivors of interpersonal violence. The proposed USCIS Tip Form will also jeopardize the integrity of the naturalization application process. There are many sensitive details about a naturalization applicant's life that factor into the adjudication of their statutorily required good moral character, including whether they have paid child support and alimony or whether they have committed adultery. We have already seen cases in which an applicant is found to not have good moral character because they were unable to obtain the cooperation of an ex-spouse to prove that they had paid child support, for example. It would not be hard to imagine that an angry ex-partner could file spurious allegations against an applicant using the proposed USCIS Tip Form. In any case, it would be an injustice for an adjudicating officer to consider allegations submitted via the USCIS Tip Form without giving the applicant an opportunity to rebut them. vl. Conclusion For all of the reasons discussed above, Bay Area Legal Aid strongly opposes the publication of the proposed USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, undermine due process, and deny access to critical immigration benefits for survivors of interpersonal violence. Thank you for the opportunity to submit comments on the proposed USCIS Tip Form. Please do not hesitate to contact MSaint-Saensbaylegal.orq for further information. Sincerely, Mélody Saint-Sa6ns, Immigration Regional Counsel Jessica Jenkins, Staff Attorney Jesús Muhoz, Staff Attorney Kemi Mustapha, Staff Attorney | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 224** | **Commenter: Dover Paloma NorrisYork** |  |
| **4/16/2019** | As an American, it is important to me that the government not act in ways that will increase the fear of all immigrants and all people of color living in the United States. Introducing this tip line system will increase the fear of all immigrants and all people of color living in the United States. It is not necessary for USCIS to do their work. There are other means of obtaining information at its disposal. The information potentially collected would require substantial efforts of the USCIS to verify and there is a high danger that some people will mis-use the tip line, thereby creating misinformation and more work for USCIS to process information that is actually false. The assumption that valid and actually useful information will be collected in false. The methodology of collecting tips from the general public who chooses to call in is faulty. The harm done to people living in this country by the increase in fear outweighs the possible minimal benefit of possibly credible information that would require investigatory efforts creates a unnecessary and heavy burden both for the agency and for the public. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 186** | **Commenter: Orchid Pusey on behalf of Asian Women’s Shelter (AWS)** |  |
| **4/15/2019** | Dear Ms. Deshommes:  Please read the attached letter for my full public comment.   I am writing on behalf of Asian Womens Shelter (AWS) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   Asian Womens Shelter (AWS) opened in 1988 to meet the unmet needs of Asian survivors of domestic violence and human trafficking in the San Francisco Bay Area. We are nationally recognized for our survivor-centered advocacy, services, and community-engagement efforts to end violence in immigrant and refugee communities. Testimony from survivors at AWS helped to pass the first Violence Against Women Act in 1994. Our work over the last thirty years is the basis of our opposition to the USCIS Tip Form.   I.USCIS Tip Form Unnecessary, Encourages Presumption of Fraud   USCISs primary function is to adjudicate immigration benefits. There are already mechanisms for collecting information about fraud (e.g. HSI Tip Line). Creating another avenue to invite unsubstantiated reports of fraud about individual immigrants creates redundancies and harms immigrant communities and the fabric of our society.   At Asian Womens Shelter, the USCIS Tip Form will substantiate abusers' and human traffickers threats to survivors that every person outside the door is an enemy who will report them to immigration police. These claims keep victims of violence from seeking help, and keep traffickers from being prosecuted.   II.USCIS Tip Form Misuses USCIS Resources  In our agency, USCIS processing delays have already elongated survivors' experiences of social and economic instability, kept immigrant children in chronic stress, and kept families from dependable health care and stable employment and housing. Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. The Tip Form will be an administrative hassle, causing delay and distraction. It will allow individuals to clog our benefits systems with their everyday conflicts and interpersonal retaliations. Moreover, by creating an other category, USCIS is opening its reporting to claims with no connection to fraud, creating yet another avenue for unchecked bigotry and harassment.  III.USCIS Tip Form Violates Due Process  USCIS does not define fraud, fails to set any criteria for reporting fraud, does not require that an allegation be made in connection with an application for benefits, and does not require individuals to provide their name and contact information. Thus, USCIS has no mechanism to follow up on allegations, and applicants for benefits face increased scrutiny, surveillance, and potential loss of benefits without any due process to refute allegations.   At Asian Womens Shelter, we frequently hear false accusations about immigration used to manipulate due process in the midst of restraining order hearings, custody mediation sessions, criminal trials, supervised visitation and more. USCIS should not create an avenue that supports false allegations with no accountability.  IV.USCIS Tip Form Threatens VAWA Confidentiality  The USCIS Tip Form is an easy anonymous tool to weaponize the immigration system against survivors. Congress has recognized that one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation, and created special immigration protections in the Violence Against Women Act (VAWA). Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the Tip Form process threatens statutory protections in VAWA. Furthermore, the form risks government liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties.  V.Irresponsible Information Sharing   The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.   VI.Conclusion  Asian Womens Shelter stridently opposes the publication of the USCIS Tip Form, and recommends USCIS withdraw the USCIS Tip Form immediately and develop policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits.   Sincerely,  Orchid Pusey, Executive Director Asian Womens Shelter orchid@sfaws.org | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 164** | **Commenter: Mary Kay Henry on behalf of the Service Employees International Union (SEIU)** |  |
| **4/15/2019** | Dear Ms. Deshommes: I write on behalf of the Service Employees International Union (SEIU) to express our strong opposition to the proposed form, Form G-1530, from the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS), published in the Federal Register on February 15, 2019. USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001. With the adoption of this new Form G-1530, USCIS would in effect become an enforcement agency that utilizes anonymous and unreliable tips to initiate deportation of immigrants. USCIS's congressionally-mandated purpose is to adjudicate immigration benefits, not to prioritize immigration enforcement activities. SEIU represents 2 million members across the United States and Canada. SEIU is the largest healthcare union in the United States and more than half of SEIU's members work in the healthcare industry as doctors, nurses, lab technicians, aides, home care and nursing home workers, and other medical service and professionals. SEIU's members include, among others, janitors, airport workers, security officers, adjunct professors, gaduate students, retail, distribution, laundry, and fast food workers. Many of our members are government employees at the local, state, and federal level. They deeply understand the importance of fair and transparent government decision-making that is not tainted by bias, discrimination, unverified tips, or anonymous information that an applicant is unable to rebut. 1 Founded in 1921 by immigrant janitors in Chicago, SEIU is deeply committed to immigrant and racial justice. Our strength through unity has enabled us to achieve strong contracts with good salaries and working conditions for our members throughout the country. SEIlls Mission Statement, as set forth in our Union's Constitution and Bylaws, states "We believe our strength comes from our unity, and that we must not be divided by forces of discrimination based on gender, race, ethnicity, religion, age, physical ability, sexual orientation, or immigration status." Our members have strong ties to diverse immigrant communities across North America. The USCIS Tip Form distorts USCIS's adiudicatorv function, encourages unreliable personal attacks, and creates an environment where hate crimes flourish USCIS's primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has become increasingly distorted into an immigration agency focusing on enforcement — rather than adjudication of benefits.2There are already multiple existing mechanisms for soliciting information about alleged immigration fraud, e.g. through the "HSI Tip Line," that operate with dubious effectiveness by collecting unsubstantiated information and encouraging public submissions based on rumor, speculation, and personal vendettas. Establishing another such avenue creates unnecessary redundancies and, more importantly, threatens significant harm to immigrant communities. Implementation of the USCIS Tip Form would create a high likelihood that bias and bigotry will play a role in the "reportine that USCIS is soliciting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. Anonymous tips have a long and sordid record of being used to threaten, intimidate and harass. Government encouragement of and reliance on "informers" echoes the chilling practice of authoritarian regimes that use personal "denunciations" as the basis for government targeting and repression. This danger of personal retribution as the motivation for using government "tip" lines is especially acute given the growing incidence of hate crimes and racially-motivated harassment and attacks. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities -- like rnany other communities of color and immigrant communities -- face targeted harassment and violence at alarming rates, particularly in the last few years. And, as the FBI recognizes, the reported numbers of hate crimes severely underreport their actual occurrence.4Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally,5and these incidents too are underreported due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 Our union stands unconditionally against the racism, anti-Semitism, bigotry and violence perpetrated by hate groups, whether it's anti-Muslim attacks against workers at JFK7, antiSemitic hate crimes in Pittsburgh, or murders of African Americans attending church in Charleston. Facilitating a climate of fear and encouraging a system of personal retribution through anonymous tips is antithetical to SEIU's values and mission. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.8Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. USCIS's skyrocketing delays in the adjudications of naturalization applications is only one example of the result of the agency's focus on immigration enforcement at the expense of processing applications for immigration benefits. Recent reports acknowledge that more than 750,000 legal residents are awaiting adjudication of naturalization applications.9At the sarne time, the agency's 2019 fiscal year "included a request that more than $200 million of its fee revenue be transferred to Immigration and Customs Enforeement."1°SEIU supports the right of all communities to prompt adjudication of citizenship applications — without the ban-iers that extensive adjudication delays impose. Transferring resources and funding from naturalization adjudication to immigration enforcement misuses USCIS resources and eviscerates the opportunity to acquire citizenship and fully participate in civic life. Moreover, by including an "othee category in the proposed new form, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. The USCIS Tip Form violates due process The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of "fraud," which has a complex definition under the Inunigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Forrn will be used in adjudications. The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require doing so to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism, bigotry, or personal vendetta will have the opportunity to submit numerous baseless claims without accountability. 4 Conclusion In sum, SEIU strenuously opposes the publication of the USCIS Tip Form because it diminishes the reliability of USCIS adjudications, erodes public confidence in its decisions, violates principles of transparency and due process, wastes government resources, and encourages increased targeting of vulnerable immigrant cornmunities and communities of color. USCIS should withdraw the USCIS Tip Forrn and devote its resources to ensuring fair, efficient, and transparent adjudication of immigration benefits. Sincerely, Mary Ka enry, emotional P i r)) ident Servic rnploy Internation nion (SEM) | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 185** | **Commenter: Deborah Litchman on behalf of congregation beth elohim refugee task force** |  |
| **4/15/2019** | Dear Ms. Deshommes: I am writing on behalf of congregation beth elohim refugee task force in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. In my work with this committee I have seen a tremendous increase in the fear that is fermenting in the immigrant communities. This fear is growing throughout the daily activities in families in the performance of their daily life. As a result, they do not feel comfortable taking their children to school, accessing normal leisure or recreational activities that would be apart of normal, healthful behaviors for any growing families and especially children. I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. We are living in a time of a great uptick in hate crimes. Never before in recent times have there been so much anti-semiticism, anti-Muslim and anti-Asian attack with neighbor turning against neighbor is seeing a daily rise. Creating still another mechanism to report anonymous tips and surveillance will breed more fear and an atmosphere of hate mongering. II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families During this time, so much resource allocation has been taken away from our immigration courts. Further allocating funds for vetting unsubtantantiated tips will drain more benefits from badly needed immigration resources. There is such a backlog for vitally needed services. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Families are afraid of filing for services they are entitled to, benefits their children desperate need as they feel they will come under the blanket of suspicion. They will have unfounded suspicions against them for bigotry and racism that are unfounded and dangerous. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”8 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 Families are stuck in an never ending loop of fearing to apply for eligible programs, they fear that due to surveillance or bigotry they will be deported. So they hide in the shadows and do not apply for what they are eligible for. To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”13 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. We have seen families separated from schools, places of business and places of worship making families afraid to move around their normal life situations due to the veil of unsubstantiated tips and rumor used by ICE. Conclusion CBE, Refugee Task Forcestridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**    USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  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All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 221** | **Commenter: Edward Reckford** |  |
| **4/16/2019** | I am writing to oppose the proposed regulation: for US Citizenship and Immigration Services, (Docket ID USCIS-2019-000). It looks like a device to encourage spying on neighbors, and make it easier for people to anonymously try to threaten an intimidate people that they don't like for one reason or another. It is also likely to lead to a waste of resources if the agency spends efforts to track down what facts in cases where there may be no reaonable cause for investigation. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 192** | **Commenter: Anonymous on behalf of California Hmong Advocates Network (CHAN) and Building Our Future(BOF)** |  |
| **4/15/2019** | Dear Ms. Deshommes:  I am writing on behalf of California Hmong Advocates Network (CHAN) and Building Our Future(BOF) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   CHAN is a network of California Hmong advocates in established domestic violence organizations dedicated to supporting each others leadership in beloved community while forging a bold vision and new practices for collective response to violence. CHAN facilitates nuanced discussions on gender-based violence and shifts the narrative around violence and seeking help.   BOF is a global network of change agents and movement builders from 6 different countries. This grassroots campaign unites to engage and organize the Hmong community to change cultural practices, attitudes, behaviors, and beliefs through the lens of gender equity and queer justice to end gender-based violence. CHAN and BOF have over 15 years of direct service and community work with the Hmong refugee and immigrant population.   One of the growing trends in the US Hmong community is the practice of abusive international marriages (AIM). This is where middle-aged to elderly US Hmong men travel to Asia, primarily Thailand and Laos, to marry young girls and women. In many of the cases, they bring the women to the US and control and abuse them. Many of these girls do not have any form of social support because they've left their home behind. Some girls and women flee because they can't take the abuse anymore. This has been an issue that CHAN and BOF have been addressing in the past 6 years.  USCISs primary function is to adjudicate immigration benefits. There are already mechanisms for collecting information about fraud. The tip form will only invite unsubstantiated reports of fraud from abusers about their victims. We do not want to create an environment where immigrant women fear seeking help or do not use the resources available to them because of their abusers' threats.  Additionally, USCIS does not define fraud, fails to set any criteria for reporting fraud, does not require that an allegation be made in connection with an application for benefits, and does not require individuals to provide their name and contact information. Thus, USCIS has no mechanism to follow up on allegations, and applicants for benefits face increased scrutiny, surveillance, and potential loss of benefits without any due process to refute allegations.   Hmong advocates frequently hear survivors' stories of false accusations about immigration used to manipulate due process in the midst of restraining order hearings, custody mediation sessions, criminal trials, supervised visitation and more. USCIS should not create an avenue that supports false allegations with no accountability or perpetuate oppression to survivors of domestic violence.  The USCIS Tip Form is an easy anonymous tool to weaponize the immigration system against survivors. Congress has recognized that one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation, and created special immigration protections in the Violence Against Women Act (VAWA). Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the Tip Form process threatens statutory protections in VAWA. Furthermore, the form risks government liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties.  And lastly, the USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.   In conclusion, CHAN and BOF stridently opposes the publication of the USCIS Tip Form, and recommends USCIS withdraw the USCIS Tip Form immediately and develop policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). v  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 212** | **Commenter: Eric Vega** |  |
| **4/16/2019** | The proposed regulation is a needless addition to the growth of a surveillance state. Wild and unfounded rumors are already dangerously hyped in the social media world. We do not need to give anti immigrant bigotry another vehicle for inflaming relations in communities around country. No to Tip formulation | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 220** | **Commenter: Christine Raffaele,** the Illinois Coalition Against Domestic Violence (ILCADV) |  |
| **4/16/2019** | Dear Ms. Deshommes: I am writing on behalf of the Illinois Coalition Against Domestic Violence (ILCADV) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. The mission of ILCADV is to build networks of support for and with survivors, and advances statewide policies and practices that transform societal attitudes and institutions to eliminate and prevent domestic abuse. Such a tip form will put immigrant domestic violence survivors in extreme peril at the hands of their abusers with abusers regularly submitting tip forms to harm the survivor. ILCADV is a membership organization that includes agencies that serve the immigrant community. ILCADV promotes trauma-informed and culturally competent prevention, awareness, and responsive measures to meet the needs of immigrant survivors of gender-based violence. I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which operate with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. Such a tip form creates the on-going opportunity for abusers to continually harass their victim that could result in loss of status and benefits. ILCADV supports policies that affirm the fundamental constitutional protections of due process and equal protection embodied in the Constitution and the Bill of Rights as applied to every person regardless of immigration status. This tip form removes these protections at the hands of abusive individuals. II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families Slowing down the adjudication process is another approach that denies due process and equal protection as well as encourages abusive individuals to continue their attack on their victim through the use of immigration policies. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Anonymous tips only encourage abusive individuals who may have an on-going history of criminal abusive behavior who are unreliable sources of information to continue their harassment and abuse of their victim. This gives abusive individuals cover to continue their abuse by making reports to immigration authorities without having the ability to screen the credibility of the reporter, open the door to repeated reports on regarding the same victim, and lead to denying the victim the protections provided by immigration laws. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors at Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”8 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”13 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. VI. Conclusion ILCADV stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 167** | **Commenter: Alexandra Weathersby** |  |
| **4/15/2019** | This agency should be focusing on their application backlog. The purpose of citizenship and immigration services should not be to push forward fear-mongering and unbalanced beliefs about immigrants. | **Response:**  This comment does not address the proposed information collection. |
| **Comment 201** | **Commenter: Melissa Chua,** New York Legal Assistance Group (NYLAG) |  |
| **4/16/2019** | The New York Legal Assistance Group (NYLAG), a not-for-profit legal services organization, submits these objections to the Form G-1530: USCIS Tip Form, OMB Control Number 1615 – NEW, Docket ID USCIS-2019-0001. NYLAG uses the power of the law to help New Yorkers in need combat social and economic injustice. We address the urgent legal needs of our clients with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG provides free legal services to low-income New Yorkers in a number of areas of civil law, including immigration law. NYLAG’s Immigrant Protection Unit provides legal services to immigrants, and specifically to immigrants applying for benefits from United States Citizenship and Immigration Services (“USCIS”), including immigrants who have been victims of fraud. The proposed tip form purportedly seeks to facilitate the “collection of information from the public regarding credible and relevant claims of immigration benefit fraud.”1 However, this goal will not be accomplished by the proposed form, and the proposed form will actually further victimize survivors of domestic violence, trafficking victims, and victims of unscrupulous immigration providers, with no accountability for those who choose to file the form, even where claims may be frivolous or even motivated by personal animus. Moreover, the form will create high potential for prejudice against immigrants eligible for benefits and have a chilling effect on those eligible to apply to USCIS for immigration benefits. NYLAG objects to the proposed regulations for the following reasons. I. The Proposed Form Would Enable Abusers, Traffickers, and Other Predators to Exert More Control Over Immigrants, and to Cause Immigrants Even Further Harm, Contrary to Law Pursuant to 8 USC § 1367, it is unlawful for USCIS or any other agency to “make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act using information furnished solely by—…” abusers or their family members. Because the proposed form allows for anonymous reporting, DHS would be virtually unable to determine whether information provided is in fact prohibited by 8 USC § 1367. Moreover, the proposed tip form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of mmigrants use is the threat of deportation.”2 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.3 This is a threat that NYLAG’s clients have faced all too often. For example, “Cathy” was brought to the United States by her husband, where she was then imprisoned at home and deprived of food by her husband for years. During this time, she was repeatedly warned by her husband that she would be reported to immigration if she did not comply with demands for sex, if she asked for anything including food, or if she did not take beatings quietly. Cathy one day was able to escape and is now seeking protection as a victim of trafficking. Cathy’s abuser, however, would be able to use the proposed form to anonymously lodge false claims against Cathy in retaliation for her escape, without fear of accountability. NYLAG’s client “Irene” gave up her life in her Asia-Pacific country of origin and moved across the world at the request of her daughter, who wanted help caring for a special needs child. Upon arriving in the United States, she became a victim of elder abuse at the hands of her daughter, who terrorized her in order to obtain free housekeeping and child care, and in an effort to force Irene to sign over property that she owned. Her daughter used Irene’s immigration status to keep her from leaving the home, threatening to have her arrested, and refusing to submit an I130 petition until Irene had complied with her abusive demands. Irene is now seeking to petition pursuant to VAWA. However, Irene’s daughter would be able to leverage this form in order to anonymously cast doubt on her mother’s claims, thereby further victimizing this elderly woman. If these survivors were subject to scrutiny because their abusers chose to retaliate against them for their escapes by making an anonymous report suggesting their allegations regarding what they were put through by their abusers were fraudulent, USCIS would be allowing, and indeed actively participating in, their continued victimization at the hands of criminal actors. Indeed, it was for the purpose of avoiding this very concern that Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.4 These protections are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”5 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.6 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”7 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information directly undermines statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC § 1367. These obligations, which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. II. The Proposed Form Is Contrary to the Intent of Congress in Creating USCIS as an Adjudicative Agency, and not a Law Enforcement Agency USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.8 In other words, the intent of Congress in creating the agency was to allow for affirmative applications for immigration benefits to be decided. By the creation of this form, USCIS seeks to overstep its mandate in order to perform work that is duplicative of work already being done by agencies tasked with law enforcement. For example, information about fraud is already collected by another agency under the purview of the Department of Homeland Security, Immigration and Customs Enforcement, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but would also cause significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.9 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.10 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.11 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.12 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. All of this harm would be caused by an agency that is not lawfully mandated to partake in law enforcement actions, and is merely tasked with adjudicating applications. The potential for harm to those applying to USCIS would then clearly be high. Such a high potential for harm would erode confidence in the agency by those who it is supposed to serve. It is well documented than when immigrants have reason to fear a government actor, they will not use services for which they are eligible.13 By encouraging an environment wherein bad actors are permitted to make unsubstantiated allegations against immigrants for reasons that may be motivated by animus, USCIS will likely cause immigrants eligible for benefits to choose not to apply for those benefits. Therefore, the proposed form would not only be beyond the scope of the agency as defined by Congress, it would substantially erode the agency’s ability to perform its mandated functions III. The Proposed Form Is Vague and Requests Legal Conclusions From Persons Not Qualified to Draw Such Conclusions USCIS fails to set any criteria for reporting fraud and there is no requirement that any allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. There is no effort made to educate prospective users of the form as to what constitutes “fraud” anywhere in the proposed form. By failing to provide any definition of fraud, or requirement that prospective reporters made any representations as to their own motivations or their understanding of legal terminology or even the basis for their alleged knowledge regarding any fraud, the form will not only fail in its ability to capture information that has value to adjudicators, it will also encourage rampant fraud by bad actors who do not understand the law and harbor animus towards immigrants. The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. This creates a strong likelihood that persons targeting individuals based on personal animus, racism or bigotry will be able to use the form as a tool to cause delays in processing and more serious harm for those people who they simply dislike. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. This is all compounded by the fact that there is no requirement that a reporter attest to the truth of their information, the basis by which they obtained it, or confirm receipt of any notice that a submission to this government system is subject to perjury laws. For the above-stated reasons, NYLAG respectfully submits it opposition to the proposed form, and requests that the proposed form be rescinded as unlawful and unreasonably harmful to those immigrants who USCIS is tasked with assisting | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 204** | **Commenter: Valerie Carlisle** on behalf of Dutchess County Progressive Action Alliance (DCPAA) |  |
| **4/16/2019** | Dear Ms. Deshommes: I am writing on behalf of Dutchess County Progressive Action Alliance (DCPAA) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. The DCPAA is made up of Action Teams, one of them being the Immigration Justice Action Team. This team's goals include educating Dutchess County residents about current immigration issues and seeks to influence the political landscape through pamphlets, social media, letters in newspapers, local radio programs, public forums, workshops, conversation, etc. We have established alliances with other organizations as well as mobilize members of our group to persuade current officials to address community concerns and broader issues that impact the well-being of all our residents. • The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of col USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. • Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Fliers have been posted outside the homes and on religious buildings in Dutchess County. One group of fliers encouraged people to call I.C.E., calling immigrants "criminals". These anonymous postings, which gave the website of a hate group, affected citizens and undocumented people alike, creating an environment where families felt unsafe in their own homes. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. • The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.” Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported. Having spoken with the Head of the Dutchess County Anti-Trafficking Task Force, David Garcia, we know that human trafficking happens here in Dutchess County. We also know that the threat of deportation will be one more tool to intimidate and enslave people. This Tip Form will only enable and empower human traffickers. To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member. These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.” This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS. DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.” Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. • Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. • Conclusion The Dutchess County Progressive Action Alliance stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1).  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 193** | **Commenter: Anna Schaetzel** |  |
| **4/15/2019** | Don't Separate Families, a grassroots organization advocating for humane policies for immigrants, unequivocally opposes adoption of OMB control number 1615-NEW, Docket ID USCIS-2019-0001 proposed by the U.S. Citizenship and Immigration Services (the "tip form").  This proposal is reminiscent of the poisonous policies of totalitarian regimes that encourage anonymous "reporting" to the state apparatus. This form would encourage individuals who have grudges against neighbors, or who are racist xenophobic, or otherwise biased, to lash out at their targets.  It is another example of the inhumane immigration policies implemented by the current Administration. It further exacerbates fear and divisiveness, erodes neighborhood and communities, and undermines the American values fundamental to our democratic processes.   And this program will not serve to make America safer. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 219** | **Commenter: Ryan Mims** |  |
| **4/16/2019** | This is a horrible idea. Let the professionals at DHS do their job. The general public is not properly equipped to provide anything of value to DHS regarding immigration or immigration related abuses. This idea will simply feed massive amounts of misinformation to a department that is more than capable of gathering data on its own. Let the professionals do their jobs. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 181** | **Commenter: Jill Bohr Jacob** |  |
| **4/15/2019** | Please immediately withdraw this proposal enabling any person to submit unsubstantiated tips of suspected fraud about immigrants or people who they perceive to be immigrants, to US Citizenship and Immigration Services (USCIS).   This proposal impacts individuals constitutional rights to due process and also provides an official channel for bigotry and hate against people of color and immigrants, creating a climate of hostility toward anyone who looks "different".  Farm and food chain workers and their families have suffered the consequences of unfair surveillance in the name of immigration reform.   How I wish the resources expended on such an Orwellian proposal could be used to collect federal taxes from the over 60 companies who did not pay federal taxes in 2018 despite many making billions in profits. The companies include Amazon, Netflix, General Motors, IBM, Chevron, Eli Lilly, Delta, Occidental Petroleum, Honeywell, Prudential, Halliburton, Whirlpool and Goodyear.  (The Institute on Taxation and Economic Policy has found that the number of large U.S. companies who paid nothing in federal taxes has doubled in recent years.)  Let's do something about them! | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 208** | **Commenter: Erin Bailey** |  |
| **4/16/2019** | To have neighbors inform on neighbors produces a lot of spiteful lies and harms the peace of neighborhoods. It can also destroy the lives of the innocent. This has been done before in our country and history shows it was harmful, not helpful. Right now many families are broken up and all suffering because of the same license given to "informers" for Child and Family Services to step in to what is not their business all on the groundless information given by ignorant or malicious people. Yes, investigate crimes, but do not manufacture them in the public by pitting citizen against citizen. Protect our civil rights. Protect the truth. Stop this idea in its tracks!  So many lessons we learned in the 1940's by witnessing the totalitarian regimes of Italy and Germany instituting the very same license, seem to have been forgotten. I say, do not copy Nazi tactics. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 172** | **Commenter: Andrea Guttin, Houston Immigration Legal Services** |  |
| **4/15/2019** | Dear Ms. Deshommes: I am writing on behalf of the Houston Immigration Legal Services Collaborative in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. HILSC is a consortium made up of over forty immigration legal services providers, social services agencies, and advocacy organizations serving Houston’s immigrant communities. Our mission is to create a coordinated network of effective and efficient services to assist low-income immigrants access the information and legal representation that allows them to make choices in their own best interest. Our member legal services organizations regularly advise and represent adult and minor immigrants and asylum seekers in their proceedings before U.S. Citizenship and Immigration Services (USCIS) and the Executive Office for Immigration Review (EOIR). Our staff members have years of experience working with immigrants, both in the legal context and in social services and mental health.1 The USCIS Tip Form is unnecessary and burdensome, and it encourages the presumption of fraud in the immigration benefits process. Furthermore, it violates due process and encourages misuse because of the anonymized reporting. This lack of due process is particularly insidious, given the implementation of the new Notice to Appear policy memorandum of June 2018, which allows USCIS to refer certain individuals to immigration court when they are denied a benefit they sought.2 The Tip Sheet, taken together with the recent policy change given more power to unscrupulous employers, abusers, or other ill-wishers who can use the weapon of threats of deportation even against immigrants with lawful immigration status. I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.3 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.4 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. Unfortunately, there are many individuals who would submit such unsubstantiated reports in order to harm immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.5 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and by the FBI’s own admission, these numbers are severely underreported.6 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.7 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.8 In Greater Houston, there were multiple reports of hateful propaganda spread throughout our region. In 2018 and 2019, white Supremacist groups, like Patriot Front and Daily Stormer Book Club, distributed hateful anti-immigrant propaganda in the greater Houston region, including the City of Houston, Kemah, Pearland, Jacinto City, Spring, and The Woodlands. The alt right and white supremacist groups posted flyers and stickers with slogans like: “Keep America American,” “Reclaim America,” and “Keep America American: Report any and all illegal aliens...” and “All hate crimes are hoaxes,” among others.9 The implementation of the USCIS Tip Form, which permits anonymous and unsubstantiated reporting to USCIS, creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process. Furthermore, it is unclear whether an applicant would even know of – let alone be able to refute – such allegations of fraud. II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.10 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. With nearly 6 million pending cases as of March 31, 2018, DHS has conceded that USCIS lacks the resources to timely process its existing workload.11 A review of data just since FY 2017 indicates lengthening processing times for applications for green cards, employment authorization, travel documents, and green card replacements, among others. By the end of FY 2017, 5,606,618 applications and petitions remained unadjudicated by USCIS12 – 23% more than one year earlier.13 In February 2018, DHS conceded, “USCIS continues to face capacity challenges.”14 In fact, processing times for many of the agency’s product lines has doubled in recent years.15 Immigrants in Texas have seen their wait times balloon. The latest federal count available showed that the naturalization application backlog in Texas stood at about 103,300 applications at the end of March 2018 – up from about 30,500 at the end of March 2014.16 In Houston, adjustment of status applications are taking 19.5 to 24 months to adjudicate and naturalization applications are taking between 17 and 21.5 months.17 The processing time has now more than doubled for a lawful permanent resident to become a citizen in Texas. 18 In March 2019, ten Texas House members sent a letter to USCIS Director Cessna about these delays, emphasizing that such delays impose a “burden on those who live and work in our community and want nothing more than to follow the law.”19 Processing delays upend the lives of immigrants and their U.S. citizen families. Lengthy wait times can result in applicants losing their jobs, thus depriving their families – including families with U.S. citizen children – of income essential to necessities like food and housing.20 Adjudication delays also lead to expiration of driver’s licenses, which immigrants may rely upon to access banking, medical treatment, and other indispensable services, as well as for transportation to school and work. Delays also prolong the separation of families who are dependent on case approval for their reunions. The stress of waiting for status has significant negative mental health impacts as well.21 Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Information motivated by bigotry is unreliable, and often hides a more nefarious purpose, such as in the case of employer wage theft or domestic violence (see Section IV, “The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors at Risk,” infra). For example, in the Texas Senate, a lawmaker called ICE on hundreds of protestors, who were demonstrating against the then-recently passed Texas’ SB4, which many feared would increase racial profiling. The lawmaker used the threat of ICE to try to silence his political opposition. Another lawmaker commented on the incident, saying: “he looked into the gallery and saw Hispanic people and automatically assumed they were undocumented. He racially profiled every single person that was in the gallery today. He created the scenario that so many of us fear.”22 Employers also use the threat of calling ICE to control, underpay, and retaliate against workers. The proposed Tip Sheet would be another avenue for unscrupulous employers to threaten employees with lawful work authorization by submitting an anonymous report about the person’s immigration benefit. Immigrants already face employer discrimination on the basis of race and national origin. For instance, in a 2010 case brought by the Department of Labor’s Equal Employment Opportunity Commission (EEOC) in Houston, a company discriminated against 14 Indian, Blacks, and Latinos. A supervisor called a Muslim employee things like a “terrorist,” “Taliban,” “Osama” and “"Al-Qaeda,” and called Latinos “f-----g Mexicans.”23 The vulnerability of undocumented immigrants results in gross labor violations, and this tip Sheet would expand those violations to immigrant workers who have work authorization. Fe y Justicia Worker Center, a member of the Houston Immigration Legal Services Collaborative, has “had reports of legal permanent residents and citizens just because the employer suspected that they might be undocumented, they issued a threat and said, ‘We’re going to call ICE on you.’”24 The Worker Center has also mapped wage theft across Houston, showing that in 2018, $1.2 million were stolen from Houston workers through wage theft.25 One study found that 73% of undocumented day laborers reported that they have been victims of wage theft while working in Houston.26 The USCIS Tip Sheet will become another tool for employers to use to threaten documented employees to keep silent about wage theft, dangerous working conditions, and other violations. A threat of a report to the USCIS Tip Sheet gives an employer significant leverage, particularly in light of the new USCIS Notice to Appear policy memorandum. 27 Dozens of reports show that undocumented workers are particularly vulnerable to threats of deportation – this Tip Sheet would extend that vulnerability to all immigrants, irrespective of immigration status. The failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors at Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”28 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are not citizens, or threaten to call immigration enforcement to have survivors arrested or deported.29 Many of the organizations in the Houston Immigration Legal Services Collaborative work with women who have had their immigration status held against them by partners who were controlling them, beating them, and raping them. In one case, an abuser used his Indian spouse’s immigration status to control her. In addition to reducing her food intake, isolating her from friends and family, and physically and emotionally abusing her, her husband repeatedly told her that her HB4 spousal visa meant her immigration status was tied to his, so if she left him or went to police she would be deported.30 In another Houston case, a woman from Mexico faced abuse from her boyfriend, who beat her, controlled her, and threatened to kill her and her children. “He told me nobody would help me, because I don’t have papers. . . I felt like there was no help for me.”31 The Tip Sheet would create another opportunity for abusers to threaten their partners based on their immigration status. Since the tip form will allow the collection of anonymous claims of fraud on previously approved benefit requests, it gives power to abusers even when a survivor has managed to get away from that person. Survivors are already more fearful of coming forward, given recent obstacles placed in the path of achieving legal status. Most recently, for instance, USCIS issued a policy memorandum wherein USCIS may issue a Notice to Appear to applicants, beneficiaries, and self-petitioners where their application or petition is denied and they are no longer in a period of authorized stay.32 To combat the weaponization of immigration status for abusers, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.33 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”34 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as a VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.35 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”36 USCIS has mandated protections for domestic violence victims who have applied for benefits under VAWA, yet the lack of safeguards in the Tip Sheet process to prevent submission of abusive information threatens those statutory protections in VAWA. The form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5,000 per violation under 8 USC 1367. The obligations of Section 1367, which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form.  V. Conclusion  The Houston Immigration Legal Services Collaborative opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Thank you for the opportunity to submit comments on the proposed rulemaking. Sincerely, Kate Vickery Executive Director Houston Immigration Legal Services Collaborative Andrea Guttin Legal Director Houston Immigration Legal Services Collaborative | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 222** | **Commenter: Ari Chivukula, Various Berkeley Law Students and Organizations** |  |
| **4/16/2019** | Dear Ms. Deshommes: As law students serving, living, and coming from communities with diverse immigration statuses we oppose the United States Citizenship and Immigration Services (USCIS) proposal to implement an immigration violation Tip Form and collect associated data. We know that such a 1 wide-sweeping and vaguely defined process can only deepen the systemic harassment of immigrants within this country. We know this creates yet another space for racism and Islamophobia to enter into immigration enforcement. We know this fuels the further incarceration of immigrants in immigration prisons and expansion of the American carceral state that disproportionately exacts violence on communities/people of color. I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration 2 enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information 3 about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. For example, Muslim, Arab, Iranian, Middle 4 Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission. Similarly, the FBI reports that hate crimes against Hispanics and Latino 5 communities have risen nationally. These incidents are also underreported, due to an 6 increased fear of reporting racially motivated crimes and incidents to law enforcement. 7 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years. Complicating the adjudications process with anonymous and unfounded 8 allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.” Abusers often threaten survivors that 9 if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported. 10 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member. These protections, codified at 8 USC § 1367 are 11 “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.” 12 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS. DHS’ own guidance instructs: 13 There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.” 14 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. VI. Conclusion We stridently oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. In solidarity, Berkeley Immigration Group Trans@ Berkeley Law International Refugee Assistance Project, Berkeley Law Chapter International Human Rights Workshop Human Rights Law Student Association at Berkeley Law Prisoner Advocacy Network, Berkeley Law Chapter First-Generation Professionals at Berkeley Law Law Students for Justice in Palestine Queers United in Revolutionary Subversion National Lawyers Guild, Berkeley Law Chapter Ari Chivukula, 2021 Deborah Choi, 2020 Ariel Bailey, 2020 Harris Mateen, 2020 Ivey Dyson, 2021 Amanda Miller, 2020 Erin Moore, 2021 Dylan Crary, 2020 Kimberly White, 2019 Alex Mabanta, 2025 Brendan Layde, 2019 | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 206** | **Commenter: Kimberley Chin on behalf of the Childrens Defense Fund-New York (CDF-NY)** |  |
| **4/16/2019** | Dear Ms. Deshommes:  I am writing on behalf of the Childrens Defense Fund-New York (CDF-NY) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   CDF-NY submits these comments on behalf of immigrant children and families. For 45 years, CDF has been advocating for children and seeking strong support for families through passage of laws and implementation of rules, programs, and services in their best interest. CDFs Leave No Child Behind mission is to ensure every child a Healthy Start, a Head Start, a Fair Start, a Safe Start, and a Moral Start in life and a successful passage to adulthood with the help of caring families and communities.  In New York, CDF-NY has a unique approach to improving conditions for children, combining research, public education, policy development, community organizing and advocacy. A recognized authority in the endeavor to protect children and strengthen families, CDF-NY serves as a resource and partner for children, families and organizations throughout New York City and State.   CDF-NY has worked with countless young people since its establishment. Some of the youth are immigrants themselves or young people whose families came to the United States to seek a better life. With the support of their families and communities in the United States, many of our young people have gone on to beat the odds against them and become American success stories. Who is to say whether these young people won't go on to be the next great entrepreneur, scientist, or the next president?  Bias and Bigotry CDF-NY is alarmed by the proposed rulemaking because it will permit unsubstantiated reporting to USCIS and create a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. There has already been an uptick in harassment and violence against Muslim, Arab Iranian, Middle Eastern and South Asian Americans in addition to the increased hate crimes against Hispanics and Latino communities . This rule will result in more harassment of immigrants and immigrant communities across New York and the US.   Additional Delays This rule will also take resources away from the important work of reuniting children and families in the United States. USCIS has radically slowed application processing in the past two years. The wellbeing of many immigrant families depends on USCISs efficient adjudication of benefits requests. For instance, processing delays frequently jeopardize the ability of individuals to work, leaving families without a source of income for necessities such as food, housing, and transportation. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.   Encourages Misuse The USCIS Tip Form also appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. This administration does not need yet another unsubstantiated reason for causing detention or deportation of immigrants that leads to the separation of children and families. We have already witnessed the harm that comes from these cruel and inhumane separations.  Conclusion This proposed Tip Form is an example of yet another attack on immigrant children and families and the vulnerable in our society by this administration, following the inhumane separation of children from their parents, severely limiting refugees and asylees, rescinding DACA, and prioritizing arrest, detention, and deportation. Children and society cannot tolerate these mean-spirited and un-American assaults on the most defenseless amongst us our children and families.  Childrens Defense Fund-New York stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant children and families and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits.   Sincerely,  Naomi Post Executive Director  The Childrens Defense Fund-New York | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements |
| **Comment 215** | **Commenter: Paul Riek** |  |
| **4/16/2019** | I am opposed to this proposed rule. Misinformation regarding immigrants is already a serious problem. This "Tip Form" would allow anyone to submit unsubstantiated reports to immigration officials, exposing our community to increased profiling. It is classic McCarthyism, and classic Soviet-style Communism: Telling on your neighbors, which promotes an atmosphere of mistrust throughout society. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 179** | **Commenter: Marjorie Walters** |  |
| **4/15/2019** | I believe that this law, if enacted, will not have the effect that is intended, to weed out people who commit immigration fraud. Rather, it will ensnare many innocent people who will have a very difficult time disputing the allegation made against them. It opens the door to encouraging personal vendettas that some people could use as threats or blackmail against others to force them to be in a compromised position. For example, an employer who wants to lower a wage or not pay an employee could use this threat. Another example would be housing, where a landlord could avoid or refuse to address unsafe or unhygienic conditions in the tenant's property for years by holding over the tenant a threat of reporting information to ICE that may or may not be at all accurate. This is a "big brother" paradigm that has been used by repressive governments in various countries, such as the USSR, for a long time. I feel that having "big brother" watching you creates conditions for an extremely undemocratic, almost paranoid existence for immigrants, having to watch their backs all the time. Is this what we want our immigrant population to experience? I think not. We want them to feel comfortable enough to become a true asset to our society, the way that immigrants here have always been. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment 182** | **Commenter: Michelle Kim** on behalf of the Family Violence Appellate Project |  |
| **4/15/2019** | Dear Ms. Deshommes: I am writing on behalf of the Family Violence Appellate Project in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. Founded in 2012, FVAP is the only organization in California whose mission is to bring and defend appeals of civil law cases involving important domestic violence issues. Since its inception, FVAP has screened over 2,000 requests for assistance; has represented survivors in 46 civil appeals and writs; and has filed friend-of-the-court briefs in 13 cases that raised significant issues for domestic violence survivors. FVAP’s work has, to date, resulted in 38 published decisions interpreting laws designed to protect survivors of domestic violence and their children. Finally, FVAP is dedicated to supporting policies that further the safety and welfare of all survivors, regardless of their immigration status. We strongly believe the proposed USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process. USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, for example, through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significantly harms immigrant communities, and immigrant survivors of domestic violence in particular, by threatening Violence Against Women Act (VAWA) confidentiality and increasing the risk of immigration abuse. The USCIS Tip Form provides abusers an anonymous tool to weaponize the immigration system against survivors of domestic violence, without consequence or repercussion. This is extremely problematic and dangerous because a growing body of social science suggests that large numbers of immigrant women experience domestic violence upon immigrating to the United States.3 The high prevalence of abuse may be due to the fact that immigrant survivors are particularly vulnerable to domestic violence because of immigrant-specific factors, such as “limited host-language skills, isolation from and contact with family and community, lack of access to dignified jobs, uncertain legal statuses, and experiences with authorities in their origin countries.”4 These vulnerabilities are exacerbated where a non-citizen spouse’s legal status is dependent on the spouse who is a citizen or a legal resident.5 In light of these unique vulnerabilities, abusers use distinct tactics to exert power and control over immigrant survivors. These distinct tactics of power and control include, but are not limited to, a citizen or resident spouse using their citizenship or residency privilege to withhold or withdraw applications for the survivor’s legal status, lying about the survivor’s immigration status, prohibiting the survivor from obtaining language skills or job training, and threatening to take the survivor’s children from the United States or reporting them to immigration authorities. 6 Among these tactics, “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”7 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.8 Further, although domestic violence is associated with poor physical, mental, and sexual health outcomes among immigrant women, such as high rates of depression, disordered eating, suicidality, post-traumatic stress disorder, and physical injuries, 9 abusers often prevent their immigrant partner from seeking healthcare by threatening that it will result in being reported to immigration authorities. 10 As a result, many immigrants who are undocumented or whose status depends on their partner do not seek medical attention for fear of deportation despite the significant negative health consequences of domestic violence. 11 To combat these concerns, Congress created special protections in the Violence Against Women Act (VAWA) for immigrant survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate the government to not make adverse determinations based on information solely provided by a perpetrator or a member of a perpetrator’s household or family member.12 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”13 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.14 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”15 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. This form creates the impression that one branch of the government is inviting domestic violence services providers to breach their VAWA duty of confidentiality to “inform” on their clients, which starkly conflicts with USCIS’s mandate to protect domestic violence victims. The substantial penalty for such breaches which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC § 1367, underscores the importance of maintaining confidentiality. The obligations of 8 USC § 1367, which Congress has consistently expanded over time, are enormously important to survivors of domestic violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. As such, it is undeniable that the proposed USCIS Tip Form is unnecessary and especially harmful to immigrant survivors of domestic violence. It runs counter to Congress’s special protections and confidentiality provisions in VAWA for survivors of domestic violence to seek protection without fear of deportation. Instead, it places immigrant survivors at greater risk of continued abuse. For these reasons, we strongly oppose the proposed USCIS Tip Form. Sincerely, FAMILY VIOLENCE APPELLATE PROJECT Michelle Kim Legal Fellow | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 246** | **Commenter: M. Kane** |  |
| **4/16/2019** | Dear Ms. Deshommes: I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. I believe the USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process. USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission. Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally. These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement. The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. I believe this could harm members of my community who may be discriminated against and targeted. Furthermore, this takes away from vital resources that could instead be used to process adjudication of benefits and other applications. USCIS has radically slowed application processing in the past two years. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. The USCIS Tip Form violates due process, is overbroad and vague, and could encourage misuse. ● The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. ● Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. ● The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.” Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported. To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member. These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.” This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS. DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.” Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. ● Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. ● Conclusion I strongly oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Sincerely, M Kane | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  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The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 241** | **Commenter:** Bridget Cooke on behalf of Adelante Mujeres |  |
| **4/16/2019** | I am writing on behalf of Adelante Mujeres, a nonprofit organization in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form,   I.The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process  USCISs primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.   The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  II.The USCIS Tip Form Misuses USCIS Resources  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.   III.The USCIS Tip Form violates due process  A.The USCIS Tip Form is overbroad and vague   USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of fraud, which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.   B.Anonymous Reporting Encourages Misuse  The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.   IV.The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation. Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.   To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.   V.Information Sharing and Lack of Accountability   The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.   The current administration has consistently been threatening immigrant families with proposed rules such as the expansion of the definition of Public Charge. We do not need more systems that seek to criminalize immigrants and create obstacles that prevent families from accessing benefits they qualify for.   VI.Conclusion  Adelante Mujeres opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 239** | **Commenter: Michael Dale, Northwest Workers’ Justice Project** |  |
| **4/16/2019** | Northwest Workers' Justice Project is vehemently in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   Northwest Workers Justice Project provides low-cost legal aid and education to low-wage workers in Oregon. A large portion of our client base consists of immigrant workers, many of whom face discrimination and bigotry every day. This form would expose Oregon's immigrant community to further profiling and is ripe for abuse by anti-immigrant groups.   I.The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process  USCISs primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.   According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBIs own admission. Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally. These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.   The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  II.The USCIS Tip Form Misuses USCIS Resources  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.   Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an other category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.  III.The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation. Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.   Northwest Workers Justice Project has helped represent undocumented victims of workplace harassment and other crimes who face greater challenges due to fear of retaliation or being reported to immigration enforcement. Workplace violations and crimes such as these often go unpunished because these victims live in fear of speaking up.   To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.  Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by a perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally, as well as to those who are eligible to apply for benefits as a VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”1 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367, which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. IV. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. V. Conclusion Northwest Workers’ Justice Project stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 235** | **Commenter: Michael Lyon** |  |
| **4/16/2019** | I am writing on behalf of Gray Panthers of San Francisco in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. Gray Panthers of San Francisco has advocated since the 1970s for the rights and wellbeing of seniors, particularly their health. Our work was instrumental in the establishment of the Over-60 Health Clinics in Berkeley, California, as well as the California Advocates for Nursing Home Reform. I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. There is universal consensus that the US is facing a huge demographic shift toward an elderly population particularly among the very oldest, and that we will be severely challenged to provide medical, cognitive, and social care these elderly peoples' chronic disease, particularly cognitive decline. Even in the normal aging process, the combination of physical frailty, declining cognitive function, social isolation, and economic precariousness lead to feelings of loss of control and anxiety. In dementia and Alzheimer's, these feelings are expressed as suspicion, agitation, and even paranoia. We believe the existence of this tip-line, where people could make anonymous, unsubstantiated reports to the government, especially during a time of heightened concern over national security, would greatly increase older peoples' anxiety and isolation and would lead to greater mental illness. Older people are stigmatized as crazy or demented, and eccentricities of age are already often viewed with suspicion, and very probably would be reported with undue frequency, as would non-white racial and ethnic groups. II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”8 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”13 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.  VI. Conclusion  Gray Panthers of San Francisco stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Michael Lyon Co-Convener, Gray Panthers of San Francisco | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. 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The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 255** | **Commenter: Allison Bakamjian** |  |
| **4/16/2019** | I oppose the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process. IV.The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors of domestic violence at risk. It violates due process and is a misuse of USCIS resources.  USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 238** | **Commenter: Jorge Baron, Northwest Immigrant Rights Project** |  |
| **4/16/2019** | Dear Ms. Deshommes: I am writing on behalf of Northwest Immigrant Rights Project in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. Northwest Immigrant Rights Project (NWIRP) is a nationally-recognized legal services organization founded in 1984. Each year, NWIRP provides direct legal assistance in immigration matters to over 15,000 low-income people from over 130 countries, speaking over 60 different languages and dialects. NWIRP also strives to achieve systemic change to policies and practices affecting immigrants through impact litigation, public policy work, and community education. NWIRP serves the community from four offices in Washington State in Seattle, Granger, Tacoma, and Wenatchee. NWIRP has particular expertise in the topic of the proposed new form. NWIRP has been providing immigration legal services for 34 years and is currently the largest nonprofit organization focused exclusively in providing immigration legal services in the Western United States. In addition, as explained below, NWIRP is deeply concerned about the impact the proposed new form will have on survivors of gender-based and other forms of violence. NWIRP has a long history of representing and otherwise providing legal assistance to survivors of domestic and sexual violence, human trafficking and other forms of violence for over three decades. I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. As noted earlier, our organization provides immigration legal assistance to thousands of individuals and families each year. In many of these cases, individuals have to wait years for a decision on their applications by USCIS. To highlight just one area, there are over 134,000 petitions for U non-immigrant status currently pending before the agency, a significant number of which are from NWIRP clients. We believe that ensuring these types of applications for humanitarian relief are processed promptly is a much higher priority than the questionable benefits that may come from the proposed tip form. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. We are deeply concerned that the proposed form will encourage individuals to submit tips to USCIS that are based on animus, racism or other problematic motives. And, as noted earlier, this will result in USCIS having to spend its resources to presumably investigate claims that are not legitimate. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”8 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”13 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.  VI. Conclusion  In light of the concerns outlined above, Northwest Immigrant Rights Project stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Sincerely, Jorge L. Barón Executive Director | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 233** | **Commenter: Erin Hustings, Naturalization Working Group** |  |
| **4/16/2019** | Dear Ms. Deshommes: The undersigned organizations write in opposition to United States Citizenship and Immigration Services (USCIS) proposed new Form G-1530, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, noticed in the Federal Register on February 15, 2019 at 84 Fed. Reg. 4518. Many of our organizations are members of the Naturalization Working Group. The Naturalization Working Group (NWG) is coordinated by the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, and made up of national and local organizations committed to helping legal permanent residents (LPRs) become United States citizens. The NWG strives to improve federal policies and practices related to naturalization and to educate legislators and other policymakers about the need to address barriers to naturalization. Our coalition's expertise derives from its multiple member organizations that have significant experience in promoting naturalization and in assisting newcomers with the U.S. citizenship process, including immigrants who are serving in our military. The NWG is the policy complement to the New Americans Campaign (NAC), a diverse nonpartisan national network of respected immigrant-serving organizations, legal services providers, faith-based organizations, immigrant rights groups, foundations and community leaders. The Campaign transforms the way aspiring citizens navigate the path to becoming new Americans. Our organizations oppose creation of a Tip Form that would unnecessarily and inappropriately deepen USCIS's involvement in investigations and enforcement activity, and violate principles of due process by instigating inquiries unbounded by rules about their conduct and potential consequences, and based on unsubstantiated 1 allegations. Pursuant to the Paperwork Reduction Act, agencies must not initiate data collection efforts like this, which would impose significant burden on its own employees in exchange for uncertain benefits for our immigration system. The use of the Form is also likely to harm law-abiding immigrants and their families. Moreover, by proposing this form, the Administration unjustifiably perpetuates a deep cynicism about our immigration system that violates our national values and interests. The Tip Form Is an Unnecessary and Inappropriate Use of USCIS Resources USCIS's mission, in the agency's own words, is to "efficiently and fairly adjudicat[e] requests for immigration benefits." Congress envisioned the agency similarly, delegating to it responsibility for adjudications of immigrant visa and naturalization petitions, asylum and refugee applications, adjudications performed at service centers, and "all other adjudications performed by the Immigration and Naturalization Service." Section 451(b), 116 Stat. 2196, Homeland Security Act of 2002, P.L. 107-296. Neither Congress nor Secretaries of Homeland Security have assigned USCIS investigatory or enforcement duties, with good reason: other agencies within the Department of Homeland Security (DHS) are designed for those tasks. U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection supervise large and growing teams of expert law enforcement officers, including Homeland Security Investigations (HSI) staff of thousands of special agents, analysts, auditors and support staff, and its HSI Tip Line for collecting public reports of suspected misconduct. It would be wasteful and unnecessary for an agency dedicated to adjudication to divert its resources to duplicating its sister agencies' work. If USCIS invested in vetting unsubstantiated tips from anonymous members of the public, it would be misusing resources for purposes outside its mission at a time when they are most urgently needed to provide more efficient and timely services. In the past two years, there have been dramatic increases in waiting times for U.S. citizenship applicants. The backlog of naturalization applications awaiting adjudication has increased by over 41 percent, and processing delays have almost doubled, between 2017 and 2019, even though new application submissions have declined during that time. In some regions of the country, applicants for U.S. citizenship can now expect to wait as long as two to three years for an interview and preliminary decision on their requests. Similar delays and backlogs have built up for people requesting other immigration services. As it struggles to work through longpending cases, USCIS can ill afford any diversion of personnel and infrastructure to anything other than application adjudication, much less to the initiation of a program that duplicates existing DHS efforts. Investigations and Application Denials Based on Reports to Tip Line Would Violate Due Process Our organizations are acutely concerned that USCIS proposes to solicit and investigate allegations without describing or circumscribing the possible use of tips and related information in adjudications, and without providing applicants for services the opportunity to learn about or refute derogatory information. Moreover, USCIS does not propose any limitations on the sharing of tips with other law 2 enforcement agencies. The information solicited from the public through the Tip Form may have weighty consequences that extend as far as approval or denial of applications, and life or death for some applicants and their families. Under these circumstances, it is critical that basic evidentiary standards apply. The proposed Tip Form makes overbroad and vague requests for information. Although "fraud" has a complex definition that has received extensive treatment in statutes and case law, neither the Form nor accompanying instructions provide guidance to the public about what constitutes fraud in pursuit of immigration services. The proposed Form does not require that tips concern pending applications for services, even though USCIS could not take action on allegations about cases already adjudicated. It is likely that members of the public would provide unusable and irrelevant information in response to the proposed Form. The burden on agency employees of distinguishing whether or not tips were germane or credible could be extremely significant and harmful, considering that USCIS projects that 55,000 respondents would complete the Form annually. The proposed Tip Form would permit and even encourage abuse by inviting anonymous tips. Accepting anonymous reports precludes the creation of a formal process for following up on tips. USCIS has not otherwise explained how it will investigate or use information submitted through the proposed Tip Form, nor guaranteed subjects of that information even the basic due process rights we exercise in submitting these comments: fair notice, and the chance to respond. Therefore, it is possible or likely that applicants who are the subject of tips could suffer negative consequences without knowing about those allegations, or having any recourse against false charges. The opportunity to lodge anonymous tips will also encourage people to abuse this process for retaliatory ends, a problem that already distorts the immigration services adjudication and enforcement processes and results in waste of resources on the lowest priorities. For example, NBC News reported in September 2018 on the experience of Maria, a Colombian citizen who entered the country legally along with her teenage son to join her fiancé, a U.S. citizen. Maria's fiancé failed to ensure that she and her son maintained legal status even though they moved in with him, and Maria subsequently gave birth to their child. He exploited her and her son's vulnerability after expiration of their visas to abuse Maria without recourse. Maria finally left her fiancé and sought police protection for herself and her children, only to be arrested and taken into ICE custody at a courthouse when she appeared to testify against her abuser. Because police had never arrested or fingerprinted her, Maria's immigration attorney told NBC that ICE likely identified and pursued Maria based on a tip from the public. Considering that a prosecutor deemed reciprocal charges Maria's fiancé filed against her "retaliatory," it is plausible, if not likely, that revenge - not legitimate concern about fraud or misconduct - provoked her arrest. Our alarm at the violations of due process that could result from use of the proposed Tip Form extends to other law enforcement agencies potential use of information. USCIS does not propose to inform the public that Tip Form submissions are subject to perjury laws, and this and their potential anonymous nature should strictly limit their evidentiary uses: USCIS will necessarily struggle to determine whether an 3 anonymous allegation is impermissibly motivated. Nonetheless, USCIS's notice of proposed data collection fails to identify any criteria to determine when a report is credible, or when USCIS can and should share information with another agency that might use it in civil or criminal prosecution. The Proposed Tip Form Would Encourage Perceptions of Fraud in Immigration Our organizations also strongly oppose creation of USCIS's proposed Tip Form because its promulgation would unjustifiably encourage destructive, dangerous antiimmigrant sentiment. Without any evidence that fraud is going undiscovered, and without any reason to think that amplifying requests for unsubstantiated anonymous tips will help root out more wrongdoing, it would be counterproductive for the agency to cast suspicion on applicants for benefits. According to the Department of Justice, hate crimes - particularly those motivated by racial, ethnic, or religious animus - are increasing in frequency. For example, the Federal Bureau of Investigations reported in November 2018 that even though known hate crimes increased by 17 percent between 2016 and 2017, incidents continued to be significantly underreported. This 2017 surge in reported hate crimes constituted the largest year-to-year increase recorded since 2001, and included such frightening occurrences as the fatal stabbing of two men who were protecting a train passenger wearing a hijab in Portland, Oregon, and the fatal triple shooting of Indian immigrants and a customer who tried to defend them at a bar in Olathe, Kansas. Bias and bigotry undermine our national security and the safety and prosperity of American communities, particularly when expressed in acts of violence. In contrast, a fair and well-functioning immigration system ensures that all Americans benefit as a result of immigrants and new Americans' substantial talents and achievements. According to the Brookings Institution, immigrants tend to improve native-born Americans' living standards, and easily contribute more to the government in taxes and other revenue than they receive in benefits and services. Immigrants also start new businesses and request patents for new products at higher rates than nativeborn Americans. In short, our nation profits economically, socially, and politically from the diversity of experience and ability that immigrants bring. It is in our best interest to deepen Americans' appreciation of this fact, and to discourage irrational fear and suspicion of newcomers. As the agency that manages legal immigration and naturalization, USCIS must educate Americans about the benefits of immigration, and avoid perpetuating a false, damaging view of immigrants as untrustworthy and malicious. Conclusion Our organizations vehemently oppose promulgation of the proposed Tip Form because it needlessly duplicates ongoing efforts by agencies within DHS that are best prepared to conduct investigations and enforcement actions. Its vague, anonymous nature makes the proposed form unlikely to yield useful information, and also means that following up on submissions will be burdensome and often futile work for USCIS officers. It is unacceptable that USCIS proposes this information collection without limiting potential use of resulting information to ensure due 4 process to applicants. Moreover, it would be harmful to our nation's best interests to divert precious, desperately needed resources from the agency's mission of application adjudication to a project that would inflame baseless, destabilizing xenophobic sentiments and actions. USCIS should withdraw the proposed Tip Form and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process or access to critical immigration benefits. Thank you for your consideration of our views. Sincerely, Asian Americans Advancing Justice - Los Angeles Asian Counseling and Referral Service CARECEN Los Angeles Catholic Charities Legal Services, Archdiocese of Miami, Inc. Coalition for Humane Immigrant Rights (CHIRLA) Entre Hermanos Florida Asian Services Illinois Coalition for Immigrant and Refugee Rights Immigration Advocates Network Interfaith Refugee & Immigration Service International Institute of the Bay Area (IIBA) LAC Mi Familia Vota Education Fund NALEO Educational Fund OCA South Florida Chapter OneAmerica Refugee Women's Alliance Seattle Office of Immigrant and Refugee Affairs Southeast Asia Resource Action Center | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements.  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017). |
| **Comment: 242** | **Commenter: Scott Piepho** |  |
| **4/16/2019** | U.S. Citizenship and Immigration Services (USCIS) Notice: Agency Information Collection Activities; New Collection: Form G-1530 USCIS Tip Form E-Docket ID number USCIS-2019-0001  Comment of Asian Services In Action, Inc. (ASIA, Inc.)  The Department of Homeland Security and the U.S. Citizenship and Immigration Services have published a proposed USCIS Tip Form purporting to collect information about immigration benefit fraud. For the following reasons, Asian Services in Action, Inc. (ASIA, Inc.) comments to oppose the proposed form.  ASIA, Inc. is a 501(c)(3) organization that has served immigrant and refugee populations in Northeast Ohio for nearly 25 years. We offer linguistically and culturally appropriate services to any who need them with an emphasis on Asian and Pacific Islander communities.  ASIA, Inc. believes that as an information collection instrument, the proposed form is fatally flawed. It is likely to collect an excess of erroneous information which will put additional and unnecessary burdens on both the agency and on the persons about whom the form purports to collect information.  ASIA, Inc. agrees with previously posted comments that the proposed form impermissibly combines functions of USCIS and ICE. We also agree that the form posted on Regulation.gov is incomplete in that the pdf does not allow access to the drop-down menu.  In addition, ASIA, Inc. is concerned that a Tip Sheet regime will be used far more to harass people who are present in this country legitimately than to provide useful information about actual immigration fraud. The services ASIA, Inc. provides to immigrant and refugee communities includes legal advocacy for survivors of domestic violence, sexual assault, and human trafficking. As such, we are aware that immigrants and refugees experience particular vulnerability when trying to leave an abusive partner or situation. Furthermore, we are seeing some effort to curb protections for people in those circumstances. For example, we are aware that some men who have married immigrant women now claim immigration fraud when those marriages break up. Some have pushed that claim to the point of lobbying against parts of the proposed renewal of the Violence Against Women Act. It is no stretch to imagine an abusive partner or perpetrator either intimidating a victim with the threat of a false immigration benefit fraud tip or submitting such a tip as a form of revenge.  We also fear that the proposed form could be used to harass immigrants outside the context of domestic relationships. The last few years has seen a spike anti-immigrant sentiment. Among the manifestations is a rise in crimes aimed at immigrants such as assault and intimidation. The proposed form provides yet another vehicle for individuals harboring anti-immigrant biases to mobilize the immigration enforcement system against immigrants for the sole purpose of making their lives more difficult.  Finally, we are aware that a number of employers of large immigrant populations have been accused of wage theft. We are concerned that the tip sheet offers a mechanism that an unscrupulous employer can use to threaten workers who complain about unlawful employment practices.  The danger of harassment is heightened by the lack of information on the form about what constitutes immigration fraud and the failure to include admonitions against using the form improperly.  For the foregoing reasons, ASIA, Inc. urges the Department of Homeland Security and the U.S. Citizenship and Immigration Service to withdraw the proposed form. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements.  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017). |
| **Comment 251** | **Commenter:** Cecelia Levin**,** On behalf of ASISTA Immigration Assistance and the National Organization for Women (NOW) |  |
| **4/16/2019** | On behalf of ASISTA Immigration Assistance and the National Organization for Women (NOW), I submit this comment to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001 (hereinafter “USCIS Tip Form”), published in the Federal Register on February 15, 2019. We 1 appreciate the opportunity to provide comment to this new form.  ASISTA is a national organization dedicated to safeguarding and advancing the rights of immigrant survivors of violence. ASISTA worked with Congress to create survivor-based forms of immigration relief through the Violence Against Women Act (VAWA) and for 15 years has provided attorneys and advocates nationwide with valuable resources to help survivors access the services and status they need to achieve safety and independence. The National Organization for Women is dedicated to its multi-issue and multi-strategy approach to women’s rights, and is the largest organization of feminist grassroots activists in the United States. NOW has hundreds of chapters and hundreds of thousands of members and activists in all 50 states and the District of Columbia. Since its founding in 1966, NOW’s purpose is to take action through intersectional grassroots activism to promote feminist ideals, lead societal change, eliminate discrimination, and achieve and protect the equal rights of all women and girls in all aspects of social, political, and economic life. Given our missions and the focus of our work, we oppose the publication of the proposed USCIS Tip Form, as its issuance will disproportionately harm immigrant survivors of domestic violence, sexual assault, human trafficking and other crimes who are eligible to apply for humanitarian protections. We call on USCIS to immediately withdraw the proposed USCIS Tip Form: It is unnecessary and will undermine access to critical protections for survivors of violence Congress created under the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA). I. The USCIS Tip Form Will Not Facilitate the Collection of Credible Information and will Harm Survivors of Domestic Violence and Other Crimes The purpose of the USCIS Tip Form is to “facilitate the collection of information from the public regarding credible and relevant claims of immigration benefit fraud impacting both open adjudications as well as previously approved benefit requests where the benefit remains valid.”2 Our organizations also are deeply concerned about fraud prevention. We vehemently disagree, however, that USCIS Tip Form will “enhance the quality, utility, and clarity of the information collected” related to immigration benefit fraud.3 Instead, we believe the USCIS Tip Form will further stigmatize, marginalize and harm immigrant communities and encourage abusers and other crime perpetrators to use the new 4 system as a weapon against their victims. This is especially true for immigrant survivors of domestic violence, sexual assault, human trafficking and other crimes, on whom abusers and perpetrators typically prey, and often threaten survivors that seeking assistance will result in their deportation.5 This chilling effect is real. A recent study found that law enforcement officials believe that “many crimes have become more difficult to investigate: 69 percent said domestic violence was harder to investigate, 64 percent said this applied to human trafficking, and 59 percent said this was true about sexual assault.” 64 percent of law enforcement officials also expressed concern 6 for community safety when immigrant crime survivors are afraid to seek assistance. The USCIS 7 Tip Form will exacerbate this already existing chilling effect on survivors coming forward to access protections created for their safety. II. The USCIS Tip Form Threatens Existing Protections for Survivors Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress created certain protections discouraging reliance on unreliable sources, i.e., abusers, crime perpetrators, and those associated with them. DHS and other government agencies may not make adverse determinations on a survivor’s immigration matter based on information solely provided by a perpetrator or a member of a perpetrator’s household or family member. Congress stated 8 that these protections, codified at 8 USC § 1367, are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.” It created these statutory 9 protections for survivors because it realized “threats of deportation are the most potent tool abusers of immigrant victims use to maintain control over and silence their victims and to avoid criminal prosecution.”10 DHS’ own guidance illustrates how abusers often try to interfere with a survivor’s case, noting “[a]busers often claim their marriage is fraudulent in order to exact revenge or exert further control over the victim.” DHS guidance also provides that “when a DHS employee receives 11 adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”12 The USCIS Tip Form, by creating an anonymous reporting mechanism without any consequence or penalties for false reports, contravenes these statutory protections put in place to keep survivors safe. Furthermore, the USCIS Tip Form poses an increased risk of liability to the government as violations of the confidentiality provisions are punishable by disciplinary action and civil and monetary penalties of up to $5000 per violation under 8 USC 1367.13 The USCIS Tip Form does not require that reporting individuals list their name and contact information, nor does it have any statement regarding consequences or penalties for providing false information. Nor do there appear to be any internal mechanisms in place for USCIS to 14 determine the validity of information provided by anonymous tips and to accurately determine if these tips are impermissibly motivated. Instead, the USCIS Tip Form will allow abusers and perpetrators to bypass these critical protections, allowing anonymous accusations against survivors with complete impunity. Without safeguards to ensure that 8 USC 1367 is fully complied with, the USCIS Tip Form will both encourage abusers to undermine immigration applications filed by survivors and generate challenges by survivors and their counsel for likely violations of 8 USC 1367.  III. The USCIS Tip Form Is Unnecessary USCIS Tip Form is a harmful solution to a non-existent problem. The Department of Homeland Security already has various avenues in place for the public to report suspected fraud; the USCIS Tip Form is, therefore, an unnecessary redundancy. USCIS has not shown why the current 15 avenues to report suspected fraud are insufficient, including those run by Immigration and Customs Enforcement (ICE) Homeland Security Investigation (HSI). Thus, the USCIS Tip 16 Form is duplicative, and will have no “practical utility” as there are other mechanisms in place at DHS to address the issue of fraud.17  Conclusion  For the above-mentioned reasons, ASISTA and NOW oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities including survivors of violence. We urge USCIS to withdraw the USCIS Tip Form and, instead, to advance policies and guidance that protect the health, safety, and best interests of immigrant crime survivors and their families | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 243** | **Commenter: Anonymous** |  |
| **4/16/2019** | I am writing on behalf of a San Diego organization that represents domestic violence victims to oppose the new Form G-1530. There are already existing mechanisms for collecting information about fraud, (ex: HSI Tip Line). The new tip form not only creates unnecessary redundancies but also significant harm to immigrant communities. The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.   Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an other category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment.  USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of fraud, which has a complex definition. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.   The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute allegations.   USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Anonymous tips turns a civil population into informants, creating fear and mistrust in the community.   Further, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism will have the option of submitting numerous baseless claims with no accountability.   The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation. Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.   To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that are designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims. Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies. USCIS should withdraw the USCIS Tip Form immediately. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 249** | **Commenter: Zoe Foote** |  |
| **4/16/2019** | I am writing on behalf of the University YMCA to express our strong opposition the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. The University YMCA is a non-profit organization on the University of Illinois UrbanaChampaign campus that develops campus and community leaders committed to social justice, environmental protection, interfaith cooperation and global engagement by fostering dialogue, reflection and action. One of our programs, The New American Welcome Center, helps immigrants fully integrate into American society and prepares receiving communities around Champaign County to be welcoming and inclusive. By engaging local institutions and mobilizing community resources, we help make our community a place where newcomers and immigrants can thrive and flourish. The proposed USCIS Tip Form would harm immigrant residents and put our entire community at risk of hate crimes and increased racial and ethnic profiling, in addition to endangering due process for all of us, citizen and non-citizen alike. We strongly oppose the proposed Tip Form and the alarming shift toward turning USCIS into an enforcement agency. USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Our clients report to us that they are forced to wait months to receive immigration benefits to which they are entitled, such as green cards and citizenship. Adding the responsibility of monitoring and responding to this unnecessary and unjust form to USCIS officers is nonsensical and will only increase barriers to the timely adjudication of immigration benefits applications— which is the true purpose of USCIS. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”8 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”13 The University YMCA New American Welcome Center has assisted VAWA self-applicants who already struggle to extract themselves and their children from dangerous situations involving abusers. The proposed Tip Form would allow the abusers in these situations to further oppress and harm their victims, by submitting unsubstantiated/false tips or by threatening to do so. Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. We regularly interact with immigrants who are the victims of crime or abuse, and who are in the process of applying for a U visa or VAWA self-petition, adjusting status. These clients come to us seeking help connecting to resources to help keep them and their families healthy and safe while navigating incredibly difficult situations as they extract themselves from an abusive environment. The proposed form would further endanger these individuals and their families by equipping abusers and criminals with another tool to oppress and control victims.  The University YMCA strongly opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals.  USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Sincerely, Zoë Foote University YCMA New American Welcome Center Immigrant Services Coordinator | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 244** | **Commenter: Diego Cartagena,** Bet Tzedek Legal Services |  |
| **4/16/2019** | I am writing on behalf of Bet Tzedek Legal Services in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  Bet Tzedek, the House of Justice, was founded in 1974 by a small group of lawyers, rabbis, and community activists who came together to assist aging Holocaust survivors and other low-income community members who were being displaced from their homes as the Fairfax neighborhood underwent gentrification. More than 40 years later, Bet Tzedek has grown from a small volunteer-run operation to one of the nation’s premier poverty law organizations. Harnessing an award-winning pro bono model, Bet Tzedek has assisted more than 500,000 people since our doors opened through education and outreach, self-help assistance, advice and counsel, direct representation, complex litigation, and policy advocacy.  Bet Tzedek’s mission is to provide free legal services to those who need them most. Our staff (including 42 attorneys and 6 paralegals) and over a thousand pro bono volunteers provide a full spectrum of legal services to 40,000 people per year. Core programs and areas of expertise include: elder law, public/disability benefits, family caregiver legal needs, real estate fraud and foreclosure prevention, employment law, tax, housing and homelessness prevention, small business development, child guardianships, counsel for unaccompanied minors, transgender rights, and Holocaust reparations. Bet Tzedek’s services are provided at our offices in an area of Los Angeles County known as “Koreatown” and at more than 30 community-based locations, including courthouses, senior centers, food pantries, and health care facilities.  Bet Tzedek remains one of the few non-Legal Services Corporation funded legal services in the Southern California area. As such, we are also one of the few resources available to undocumented immigrants when it comes to securing free legal assistance. We are the last resort for undocumented workers who have fallen victim to wage theft, and frequently work with immigrants who have survived human trafficking and, in particular, sex trafficking to secure wages owed, address their immigration needs, and help vacate their records of convictions resulting from the act of being trafficked. Our office protects survivors of elder abuse, regardless of their immigration status, by helping secure elder abuse restraining orders on their behalf and assisting them with advance planning services such as the preparation of advance health care directives and statutory wills. On the other end of the age spectrum, our office is one of the premier providers of legal services for unaccompanied immigrant children seeking legal permanent residency status through Special Immigrant Juvenile Status, which is secured through legal guardianship or as a result of their status as dependent children in the foster care system. Bet Tzedek is therefore intimately familiar with the lived realities of immigrants in our communities, and the negative implications of the proposed Tip Form.  I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process  USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on purported fraud and the implementation of other sweeping policy changes. There are existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission. Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally. These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement. The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. Reports against immigrants, whether fraudulent or not, are often the tool of first resort used by individuals seeking to avoid wages lawfully owed. Bet Tzedek is all too familiar with this given its employment rights practice. In a state such as California where an individual’s wages are protected and owed regardless of their immigration status, reports made to USCIS are often used to trap immigrants in immigration proceedings. Forced to defend themselves in these proceedings, the accused worker is unable to prosecute their wage claim, resulting in a dismissal of the matter and the employer never having to pay the wages owed. The proposed Tip Form would dramatically increase the risk for such abuse because submissions to this form are anonymous, there is no outlined means of following-up by USCIS, and there are no due process protections. The end result is that a vicious cycle is perpetuated: wages remain stolen, Los Angeles continues to hold its position as the wage capital of the Country, and employers increase their bottom-line on the backs of immigrant workers. Similarly, the Tip Form could result in continued abuse and control by perpetrators of labor and sex trafficking. The act of labor and sex trafficking is an act of control. From withholding an individual’s passport to determining whether or what an individual eats, the perpetrator seeks to control every aspect of the survivor’s life. This remains true even after the survivor escapes, with perpetrators often attempting to reassert control after a survivor escapes by attempting to thwart any efforts by the survivor to secure and maintain any form of freedom, whether that be physical, psychological, or economic freedom. The Tip Form can easily become a tool of control and literal re-imprisonment, with survivors being falsely detained and retraumatized when forced to address false allegations made by former traffickers and pimps. As yet another example of potential abuse, the Tip Form could be used by landlords to punish tenants who complain about unsafe conditions or ask landlords to make required repairs. It could also be used by landlords to force out rent-stabilized or other lower-income tenants while making an end-run around existing California statutes protecting such tenants and preserving affordable housing.  II. The USCIS Tip Form Misuses USCIS Resources  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from resources available for adjudication of benefits. USCIS has radically slowed application processing in the past two years. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. For example, Bet Tzedek has witnessed a dramatic slow-down in the processing of Special Immigrant Juvenile Status (SIJS) matters. Bet Tzedek represents dozens of unaccompanied immigrant children in SIJS matter. In 2016, the Obama administration centralized SIJS adjudications, routing all applications through the National Benefits Center at the U.S. Citizenship and Immigration Services (USCIS), rather than local field offices. This resulted in a dramatic increase in the processing time of each SIJS application. Further slow-downs in the processing of SIJS mattes have been caused by the recent increased scrutiny of the applications and the diversion of resources away from adjudication of applications to other aspects of the immigration work faced by USCIS. The end result is that a process that used to take mere months now takes years to complete. Not only is the type of reporting and targeting that would be made possible by the Tip Form unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.  III. The USCIS Tip Form violates due process  A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. If adopted, the Tip Form will further the dangerous portrayal of immigrants as the criminal “other,” with no discernable benefit for the community at large. Attempts to enlist local law enforcement in efforts to apprehend undocumented immigrants by relying on a similar portrayal of immigrants have bred widespread mistrust of law enforcement in immigrant communities, which in turn results in fewer immigrant victims of crime seeking assistance from law enforcement and fewer immigrants being willing to work with law enforcement to help in the prosecution of crimes. Such “othering” of immigrants makes all of our communities less safe, and the Tip Form will, too, by allowing anonymous individuals to allege abuse of immigration benefits without providing the accused any form of due process. It will breed further mistrust and fear in immigrant communities, except that the fear and mistrust will extend beyond that directed toward law enforcement to the public writ large.  IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.” Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported. To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member. These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.” This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS. DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.” Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.  VI. Conclusion  Bet Tzedek stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits.  Sincerely,  Diego Cartagena, Esq. VP Legal, Bet Tzedek Services | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 236** | **Commenter: Anonymous** |  |
| **4/16/2019** | I oppose this suggestion that people in America should have a dedicated tip line to report who they suspect might be an immigrant and committing fraud. The legal recourse and process is different for immigrants and non-immigrants, and asking laypeople to try to make determinations on fraud and immigration status without context is doomed to create confusion and result in the investigation and prosecution of wholly innocent people. When there was the "illegal aliens phone line", it became both a laughingstock of people reporting UFOs and a way for vengeful people to sicc the authorities on anyone they had a grievance against. It was shut down because it did not provide useful information. This is also doomed to be used for petty disputes, and may deprive people of due process. It will also be used to terrorize communities of color. Please do not try to crowdsource what is rightly your department's responsibility. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 231** | **Commenter: Patti Seger, End Domestic Abuse Wisconsin** |  |
| **4/16/2019** | I am writing on behalf of End Domestic Abuse Wisconsin, the Wisconsin Coalition Against Domestic Violence (End Abuse) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019- 0001, published in the Federal Register on February 15, 2019.  End Abuse is a statewide organization that promotes social change that transforms societal attitudes, practices and policies to prevent and eliminate domestic violence, abuse, and oppression. End Abuse’s work includes providing training, support, and technical assistance to local domestic abuse programs and engaging in local, state, and national policy work.  End Abuse supports humane and fair treatment of immigrants by the government and private citizens alike. There are an estimated 288,544 foreign-born people residing in Wisconsin. 1 Wisconsin’s immigrant population is on the rise; from 1990 to 2016 Wisconsin’s foreign-born population doubled, from 2.5% to 5% of the total state population.2 Wisconsin’s Latinx population increased by 95% from 2000 to 2015.3 The dairy industry, very important to the state, relies heavily on immigrant workers who mainly hail from Latin America.4 Wisconsin’s immigrants are integral to the state’s stability and success.  **I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process**  USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission. Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally. These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.  Due to the current hostile national climate for immigrants, immigrant survivors are already increasingly hesitant to file for the humanitarian relief for which they qualify and so desperately need. Introducing the USCIS Tip Form would exacerbate this fear and place a roadblock between immigrant survivors and the humanitarian relief Congress created for them. We are all safer when everyone in the community, including immigrants, feel safe reporting crimes and following through with the investigation and prosecution of the crime. Implementing a USCIS Tip Form would discourage immigrant crime survivors from seeking status such as a U Visa for fear of removal. Without the security of a U Visa, many immigrant survivors may not feel safe assisting with the investigation or prosecution of a crime. This would have a negative impact on community safety. II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.11 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Delayed processing times are already negatively impacting those applying for benefits. This is particularly dire for survivors of domestic abuse and sexual assault applying for humanitarian relief such as a U or T Visa or a Violence Against Women Act self-petition. Domestic abuse and other survivors of serious crime must wait over four years for a response on a U Visa case. Adding a duplicative fraud tip form would only add to processing times and exacerbate the problem. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Anonymous tips are ripe for exaggerations, untruths, and abuse. When someone can submit a tip without attaching their name to it and without any fear of repercussions if the tip is untrue, the person is more likely to feel emboldened to lie. Turning the civil population into informants creates fear and mistrust in the community. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”12 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.13 Our organization’s attorneys and member programs that work with immigrant survivors report that abusers almost always threaten to report their immigrant victims to ICE. This is a cruel and effective method of exerting power and control over an immigrant survivor. Many immigrant survivors are fearful about applying for humanitarian immigration relief for which they qualify because they fear their abuser will report them to ICE and get them deported. Making it easier for abusers to report their victims to the federal government will only exacerbate the fear immigrant survivors feel and diminish the helpfulness of the humanitarian forms of immigration relief Congress created to help survivors and law enforcement. To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.14 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”15 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.16 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”17 Our organization has already seen abusers try to interfere with survivor’s cases, whether through intimidating the survivor into not filing or withdrawing, calling ICE or USCIS to falsely claim that the marriage was fraudulent, or withholding key pieces of evidence the survivor needs to prove her case. This tip form would give abusers another tool to terrorize their victims and place an obstacle in the victim’s path to lawful status, independence, and safety. Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form.  V. Information Sharing and Lack of Accountability  The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. Unsubstantiated information shared with ICE foments the feelings of fear in the community.  VI. Conclusion  End Abuse stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Sincerely, Patti Seger Executive Director End Domestic Abuse Wisconsin | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 252** | **Commenter:** Barbara McIlquham |  |
| **4/16/2019** | I am writing as a concerned citizen in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   In my years as an adult educator working with English language learners, I have been continually amazed at the resilience and engagement they demonstrate. To a person, they have expressed and demonstrated an eagerness to contribute to the United States in an ongoing and significant way. There is no need for additional obstacles or fear-producing enforcement techniques within immigrant communities.   Immigrants are my neighbors, my co-workers, members of my congregation. I have heard of and witnessed the uninvited bias and bigotry theyve experienced. Our whole community suffers when individuals are harassed or subjected to unnecessary scrutiny and surveillance.   This form will delay needed benefits and have a negative impact on individuals ability to contribute fully to their communities. In addition, there is a strong potential for unfounded allegations -- and that is dangerously detrimental to democracy.   Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an other category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.  The USCIS Tip Form violates due process and is too broad and vague. More disturbingly, anonymous reporting encourages misuse. It is much too dangerous for democracy for our neighborhoods and communities to risk turning the civil population into informants.   As a citizen, as a person of faith, I stridently oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Withdrawal of the form is the right thing to do.  Sincerely, Barbara McIlquham | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements.  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment 228** | **Commenter: Dana Rush,**The Institute for Juvenile Research (IJR) at the University of Illinois at Chicago, |  |
| **4/16/2019** | I am writing on behalf of The Institute for Juvenile Research (IJR) at the University of Illinois at Chicago, in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  IJR’s mission is to develop and promote effective policy and practices to prevent mental health difficulties and relieve the mental health burden of children and families living in high poverty urban communities through research, teaching, and direct service. The programs and models developed and supported by IJR focus on early identification, prevention, and intervention of behavioral, social or emotional difficulties among children and youth. Through strategic linkages with key public policy and community stakeholders, IJR is a major center in the Chicago region for the development, training, and implementation of high quality mental health services spanning the prevention to intervention continuum. I submit the following comment to oppose the UCSIS Tip Form on behalf of IJR as an organization that is committed to the mental health and well-being of children and families, particularly those in high-need, urban centers like Chicago. Within IJR, I direct a program of clinical-research-policy work that focuses on the mental health and well-being of immigrant-origin children and families.  **I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process**  USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission. Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally. These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. When immigrant children and their families are unable to safely report crimes in their community, this creates a public health crisis for this already vulnerable group. I work with families that already do not report crimes, work abuses/wage exploitation, housing discrimination, and other hate crimes due to fear of retaliation. This does not promote safe communities or a culture of health equity for all that should be driving our nation’s policies.  II. The USCIS Tip Form Misuses USCIS Resources  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. The precarity created by processing delays impact children and families, this precarious status affects the social, emotional, and educational development of children. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. As a clinical psychologist and community-engaged researcher, I can confidently state that the use of information from anonymous outsiders creates a sense of insecurity and injustice that can only exacerbate access barriers, health disparities, and misallocation of resources. For a full review of how these kinds of discriminatory policies impact individuals, families, and communities, please see: https://onlinelibrary.wiley.com/doi/full/10.1002/ajcp.12256 Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.  IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk 4 The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”8 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”13 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. Within the community, unsubstantiated information and ICE presence has contributed to attrition for medical care, mental health services, and parent involvement at schools. None of this is good for children, nor does it protect the rights of the most vulnerable within our communities.  VI. Conclusion  IJR strongly opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. The research has shown that abuses of the rights of immigrant groups have led to widening health disparities and further exacerbates emotional distress, mistrust in systems of care, and poor access to care (Hatzenbuehler et al., 2017; Kaiser Family Foundation, 2017; Martinez, 2015). Sincerely, Dana Rusch, PhD Assistant Professor of Clinical Psychiatry | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 234** | **Commenter: Catherine Beane, YWCA USA** |  |
| **4/16/2019** | Dear Chief Deshommes: YWCA USA submits these comments on the proposed implementation of the new Form G-1530-USCIS Tip Form, published at 84 FR 4518 (February 15, 2019), with the title, Agency Information Collection Activities; New Collection: USCIS Tip Form (the “Proposed Form” or “Form”). Based on our extensive subject matter expertise in the areas of domestic and sexual violence, and informed by our direct observations at the border, YWCA USA urges the Department of Homeland Security to halt implementation of the Proposed Form in its entirety. Founded 160 years ago, YWCA is one of the oldest and largest women’s organizations in the United States and is dedicated to eliminating racism, empowering women, and promoting peace, justice, freedom and dignity for all. Today, we serve over 2 million women, girls, and their families through a network of more than 200 local YWCA associations in over 1,300 communities across 46 states and the District of Columbia.  YWCA’s comments on the Proposed Form are informed by our significant expertise in working with women, children, survivors of domestic and sexual violence, and immigrant communities. Each year, across our vibrant network, we are proud to provide:  • 535,000 women, children and families with gender-based violence support services that are trauma-informed, and which include domestic violence and sexual assault programs and services (e.g., emergency shelter, crisis hotlines, counseling and court assistance, and other community safety programs)  • 145,000 women, children and families with housing and immigrant assistance programs In addition to YWCA’s expertise in these areas, YWCA’s comments are also informed by our direct observations of and interactions with children and families who will be directly impacted by the implementation of this form during recent visits to the U.S. / Mexico border:  • In June 2018, YWCA led a delegation to visit McAllen, Texas, where we directly observed and interacted with families and children immediately after their release from ICE/CBP detention, and with community service providers who are tending to their medical, emotional, housing, nutrition, and other needs  • In June 2018, YWCA visited the border crossing where the Tornillo tent city is located • In August 2018, YWCA participated in a delegation visit to San Diego, California, where we spoke with service providers who are directly working with migrant children and families, and where we observed “Operation Streamline” detention proceedings at the U.S. District Court, and asylum claim proceedings at Otay Mesa Detention Center As detailed more fully below, implementation of the Form would harm survivors of sexual and domestic violence in direct contravention of protections established under the Violence Against Women Act (VAWA). Moreover, the Form is unnecessary, as there are already-existing avenues for collecting information about fraud. For these reasons, YWCA USA urges the Department of Homeland Security to withdraw its plan to implement the Proposed Form in its entirety.  I. The USCIS Tip Form undermines VAWA’s legal protections and puts survivors of sexual and domestic violence at risk The Proposed Form enables abusers and perpetrators of crime to utilize the immigration system as an anonymous tool of abuse against survivors of sexual and domestic violence, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.” Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.2 Advocates around the country have reported on the chilling effect of recent immigration policies on the safety of immigrant survivors. In a 2017 survey, 78 percent of advocates reported that immigrant survivors expressed concerns about contacting the police and 43 percent of advocates worked with immigrant survivors who dropped civil or criminal cases because they feared continuing their cases. 3 In another recent survey, 69 percent of law enforcement officials reported that domestic violence was harder to investigate due to immigrant survivors’ unwillingness to come forward.4 Sixtyfour percent of law enforcement also expressed concern for community safety when immigrant crime survivors are afraid to seek assistance.  Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking, and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not make adverse determinations based on information solely provided by a perpetrator, a member of a perpetrator’s household, or a perpetrator’s family member.6 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”7 This protection applies to abused spouses and children, generally, as well as to those who are eligible to apply for benefits as VAWA self-petitioners, or who are eligible for VAWA cancellation, U visa, or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.8 DHS’ own guidance instructs There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”  Given USCIS's mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the proposed USCIS Tip Form to prevent submission of abusive information threatens statutory protections in VAWA. 10 DHS itself recognized: “Violations of Section 1367 could give rise to serious, even life threatening, dangers to victims and their family members. Violations compromise the trust victims have in the efficacy of services that exist to help them and, importantly, may unwittingly aid perpetrators retaliate against, harm or manipulate victims and their family members, and elude or undermine criminal prosecutions.” 11 Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC §1367 12 . II.  Conclusion  YWCA’s concerns for the women, children, and families of immigrant communities, as well and the survivors of domestic and sexual violence who would be directly impacted by the Proposed Form reflect our long history in providing safety and support to survivors of domestic and sexual violence, and our deep expertise in providing services and care to women, children, and immigrant communities. The obligations of § 1367, which Congress has consistently expanded over time, are enormously important to survivors of sexual and domestic violence. | **Response:**  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367. |
| **Comment 237** | **Commenter: Julia Brown, Immigrant Legal Advocacy Project** |  |
| **4/16/2019** | Dear Ms. Deshommes: I am writing on behalf of the Immigrant Legal Advocacy Project (ILAP) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  As Maine’s only state-wide immigration legal services organization, ILAP helps immigrants improve their legal status and advocates for more just and humane laws and policies. With this support, immigrants in Maine are able to achieve safety and stability for themselves and their families, access educational and employment opportunities, build networks of support, and become power advocates for social justice in their communities. ILAP works directly with immigrant survivors of domestic and sexual violence and those affected by human trafficking and children who have suffered abuse, abandonment or neglect. In addition to directly working with those vulnerable individuals, ILAP also does systemic advocacy for those populations on local, state, and federal levels.  **I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process**  USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission. Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally. These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  ILAP’s clients are already experiencing anxiety and fear at unprecedented levels. The racial profiling that this form would encourage would hurt our clients.  **II. The USCIS Tip Form Misuses USCIS Resources**  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.  ILAP’s clients are already facing extremely long wait times for immigration benefits, like green cards, work permits, and citizenship. These delays become serious when clients can’t get a job, reunite with their families, or get out of refugee camps. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.  **III. The USCIS Tip Form violates due process**  A. The USCIS Tip Form is overbroad and vague  USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.  B. Anonymous Reporting Encourages Misuse  The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.  USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.  Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.  **IV. The USCIS Tip Form Threatens Confidentiality Of Survivors of Domestic Violence and Puts Survivors At Risk**  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.  ILAP serves individuals who are survivors of domestic abuse and trafficking. We see firsthand the tactics that abusers and traffickers use to control our clients. This tip form will only provide another weapon for those abusers and traffickers.  To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.  Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member. These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs:  There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”  Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form.  **V. Information Sharing and Lack of Accountability**  The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.  **VI. Conclusion**  ILAP strongly opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS must withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Sincerely, Julia Brown, Esq. Advocacy and Outreach Attorney Immigrant Legal Advocacy Project | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 232** | **Commenter: Leah Engle,** Kentucky Equal Justice Center |  |
| **4/16/2019** | Dear Ms. Deshommes: I am writing on behalf of Kentucky Equal Justice Center in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  Kentucky Equal Justice Center is a non-profit poverty law advocacy and research center. Our mission is to promote equal justice for all residents of the Commonwealth by serving as an advocate for low income and other vulnerable members of society. We provide immigration legal services through the Maxwell Street Legal Clinic in Lexington, Kentucky. Maxwell Street Legal Clinic offers free or low cost advice and assistance with immigration law to low-income people and their families.  Maxwell Street is a trusted community resource, and has been providing immigration assistance in Kentucky since 1999. We provide assistance with family-based and humanitarian immigration relief, including Violence Against Women Act (VAWA) petitions, U visas for victims of crime, T visas for victims of trafficking, Special Immigrant Juvenile (SIJ) status, Deferred Action for Childhood Arrivals (DACA) requests, Temporary Protected Status applications, family petitions, and naturalization applications. On average, we handle over 500 cases a year, and average more than 500 calls per month. Kentucky Equal Justice Center opposes the proposed regulation because the tip form is a violation of due process, and could compromise the safety and security of immigrants and family. Maxwell Street Legal Clinic has a substantial humanitarian practice, working with victims of domestic violence and other crimes. Perpetrators frequently use threats of reporting to immigration authorities to intimidate and control their victims. By creating an anonymous online tool, USCIS will only be making it easier for perpetrators to abuse the legal system. I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS's primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.' For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI's own admission.4Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.' These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.'  In 2017, Kentucky saw an 83% increase in hate crimes reported.' The FBI's report shows that 378 incidents were reported in Kentucky in 2017.8This was up from 206 in 2016.9Of the 378 incidents, 283 were reported to have a racial motivation. With this kind of racial animus and bias threatening our communities, USCIS should not be providing another outlet. The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. 11. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.1°Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. For many of our clients increases in case processing times creates significant anxiety, and diverting USCIS resources away from adjudication seems that will only increase the waiting times. Many of our clients will be waiting for years for their applications to be processed. In particular, we've seen increases in adjudication time for U visa applicants. It is now taking over four years for initial screening and processing of applications for U nonimmigrant status, which creates additional anxiety in our already traumatized clients. Similarly, T visa applications are now taking 16 to 23 months to process, leaving our vulnerable clients without protection. Outside of humanitarian cases, we've seen increases in our family petition cases, as well as delays in processing naturalization applications. Cases involving petitions to remove conditions are now taking over two years to process, many of our clients are eligible to naturalize before they even receive their lawful permanent residence with the conditions removed. With these staggering and growing delays, USCIS should be focused on application adjudication and not diverting resources to an anonymous tip form. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an "other" category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.  111. The USCIS Tip Form violates due process  A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of "fraud," which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as "one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.'" Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.12 At Maxwell Street, we frequently work with survivors of domestic violence. In many cases, one of the tactics of intimidation and abuse that perpetrators use is the abuse of the legal system, particularly immigration. Many of our clients have been threatened that their abusers will call immigration, or failed to help them obtain legal status, using these threats to keep survivors from leaving. Many of our trafficking clients were brought the United States by their traffickers, who then keep them from maintaining or receiving lawful status. Traffickers take their passports and documents, and routinely threaten to call ICE if the victim tries to leave. With the USCIS Tip Form, it would provide another way for traffickers to maintain their power and control. Additionally, it would give traffickers an easy venue for retaliation, in the event that the victim is able to escape. To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator's household or family member." These protections, codified at 8 USC § 1367 are "designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims."14 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS." DHS own guidance instructs: There are a number of ways DHS employees might receive "tips" from an abuser or an abuser's family, such as: calling ICE to report the victim as illegal, a "landlord" (who may actually be a human trafficker) calling ICE to report that his "tenants" are undocumented, or providing information to USCIS rebutting the basis for the victim's application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect."' Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. Anonymous tips are deeply suspect in law enforcement, and are unable to provide probable cause without outside corroboration. It is concerning that USCIS seems to be soliciting anonymous tips, and not requiring any corroboration, or providing any direction. All applications and other statements to USCIS are submitted under penalty of perjury, and there appears to be no notice in this submission that they are also subject to perjury. This seems to encourage the abuse of this form.  VI. Conclusion  Kentucky Equal Justice Center stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Sincerely, Leah Engle Program Director, axwell Street Legal Clinic Kentucky Equal Justice Center 315 Lexington Avenue Lexington, KY 40508 Phone: 859-233-3840 Fax: 859-554-0504 leahengle@kyequaljustice.org | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 230** | **Commenter: Ana Rodriguez,** Colorado People’s Alliance |  |
| **4/16/2019** | Dear Ms. Deshommes: I am writing on behalf of Colorado People’s Alliance in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  Colorado People’s Alliance is a member-led organization. We work with members of our community in the issues that most directly impact them, like immigration, to create positive change for our state. We also provide citizenship classes. The majority of our members are immigrants and people of color and one of the primary areas we work in and serve, Aurora Colorado, is largely made up of immigrant and communities of color. As such, our membership base will be significantly impacted by a policy change that will facilitate and encourage abuse based on anti-immigrant sentiment against immigrants and perceived immigrants, based on racist assumptions.  I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process  USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. If this policy change is implemented, nearly our entire membership would suffer. Especially our citizenship class students and our immigrant members who live in fear that policies will change and they will lose their protections and all their hard work in adjusting their status. We have already seen immigrant communities suffer under proposed policy changes, our citizenship class students voiced fear over applying for citizenship after hearing abut the proposed public charge changes. This proposed Tip Form would further instill fear that USCIS is more focused on stripping immigrants from their status than protecting processes by which immigrants can fairly become naturalized and adjust their status. As it is immigrants invest hundreds of hours to prepare for their citizenship exams and can pay thousands of dollars and all of that can be in jeopardy without any due process if they are unfairly accused by anyone. II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. We have already seen our citizenship class students wait for months for their USCIS appointments due to backlogs, with the wait times growing in the recent years. Additionally, members who are adjusting their status through family petitions, or who have submitted U Visa applications are waiting years to get their cases adjudicated. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. As an organization that has provided Know Your Rights trainings for workplaces, we have heard more than once of disgruntled employees who have been fired or let go seeking to undermine their old employer by threatening to make anonymous calls to ICE to tip them off about untrue immigration misconduct. As it is, the immigrant community is vulnerable to slander related to immigration status based on bigotry, institutionalizing anonymous tips will create a widespread culture of fear and mistrust. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”8 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 We are also deeply concerned about how our members who have been victims of domestic violence and harassment of all kinds will be hurt by those who will have another avenue to harm and harass them. We have also had several instances where our members have been taken advantage of by abusive business partners who hold their immigration status over their head, and instances where members are being verbally abused by fellow employees and supervisors because of language barriers or because of their race. If the Tip Form were in place, abusers in these scenarios would have another way to harm, and another way to coerce individuals into staying silent about the abuse by threatening to submit a report through the Tip Form. To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”13 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.  VI. Conclusion  Colorado Peoples Alliance stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 254** | **Commenter: Michael Abner** |  |
| **4/16/2019** | This policy is dangerous for two reasons (at least).   First, this can easily be used by an abuser to threaten their victim from reporting the abuse or simply ending a relationship. "If you leave my I'll report you!" or "If you call the cops I will report you!". Escaping from abusive relationships is already difficult enough and this policy will force many people, mainly women, to remain in terrible relationships for fear of reprisal.  Second, this policy leaves open the possibility of "rogue" individuals from conducting mass reporting of people whom they do not like. If you see a latino purchasing lobster at the grocery store, they must be abusing their benefits! Report them! As an example.   Finally, it should be the responsibility of the organizations dispersing benefits to adequately review applications and audit beneficiaries to ascertain the correct status and not be put out to random people on the street who have no actual knowledge of individual situations. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 227** | **Commenter: Michele Carey** on behalf of the Los Angeles Center for Law and Justice (LACLJ) |  |
| **4/19/2019** | I am writing on behalf of the Los Angeles Center for Law and Justice (LACLJ) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. LACLJ is a non-profit organization that provides free legal services to survivors of domestic violence, sexual assault and/or human trafficking. Our work to secure justice for survivors provides us with an important and helpful lens through which to identify not only the needs but also the particular vulnerabilities of immigrant survivors.  I. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as "one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation."1 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.2 Over the years we have sadly seen many examples of U.S. citizen and Lawful Permanent Resident abusers making such threats against our clients who are undocumented immigrant survivors, both in LACLJ's family law work to obtain Domestic Violence Restraining Orders and in our VAWA self-petition, U nonimmigrant status and T nonimmigrant status work. To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator's household or family member! These protections, codified at 8 USC § 1367 are "designed to ensure that abusers and other perpetrators cannot use the immigxation system against their victims."4 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U nonimmigrant status or T nonimmigrant status relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.5DHS own guidance instructs: There are a number of ways DHS employees might receive "tips" from an abuser or an abuser's family, such as: calling ICE to report the victim as illegal, a "landlord" (who may actually be a human trafficker) calling ICE to report that his "tenants" are undocumented, or providing information to USCIS rebutting the basis for the victim's application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect."6 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form 11. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS's primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.7Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.8There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.9For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI's own admission.1°Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally." These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.12 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. 111. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.I3Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. We regularly file petitions with USCIS on behalf of undocumented immigrant survivors of violence that have adjudication times of many years, particularly in the U nonimmigrant status context. These delays have made it extremely difficult for survivors to rebuild their lives and gain the stability they need so that they and their children can continue to heal after all of the violence they have been forced to endure. Despite the difficult work they have done to assist law enforcement in the investigation and/or prosecution of the crimes they suffered, their adjudication times continue to get longer every day. This form will likely add to these already serious delays and will increase this negative impact on survivors. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an "other" category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. IV. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of "fraud," which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Many of the survivors of violence we represent are already incredibly fearful of participating in the legal process. Anonymous tips that could be submitted by abusive partners or their family members could result in heightening this fear even further and have a devastating impact on an already very vulnerable community. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. VI. Conclusion LACLJ stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigxation benefits. Thank you for your time and consideration of these comments. 5 Sincerely, L---- Michelle Carey Supervising Attorney | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 247** | **Commenter: Joaquin Uy, City of Seattle Office of Immigrant and Refugee Affairs** |  |
| **4/16/2019** | Re: Public Comment Opposing Form G-1530: USCIS Tip Form, OMB Control Number 1615-NEW, Docket ID USCIS-2019-0001 Dear Ms. Deshommes: I write this comment on behalf of the City of Seattle Office of Immigrant and Refugee Affairs in opposition to United States Citizenship and Immigration Services (USCIS) proposal to introduce the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. The City of Seattle strongly opposes the proposed USCIS Tip Form, as it will victimize vulnerable immigrants. Form G-1530 ("USCIS Tip Form") is a tool that exemplifies the ongoing transformation of USCIS—from an agency focused on benefits adjudication to one engaging in extensive enforcement in support of the current Administration's anti-immigrant policy initiatives. The USCIS Tip Form allows members of the public to make anonymous, potentially unfounded claims about their coworkers or neighbors or even strangers about whose "fraud" they may only speculate. Many "tips" will be the direct result of prejudice, hate, and ignorance, demonstrated by the fact that many immigrant communities already face increasing harassment and violence at alarming rates.' The City of Seattle ("the Citr) has made great efforts to protect our immigrant and refugee workers and residents. Such efforts include executive orders', resolutions', and ordinances4 to ensure immigrants feel welcome and safe in the city. The City has also funded social programs to help income-eligible residents with what we consider to be basic needs. Additionally, the City believes it is the responsibility of our government to assist all Seattleites, including taxpayers, residents, and workers. In this role, the City manifests its core value of providing infrastructure, goods, and services for all residents, but especially for vulnerable, disabled, and marginalized people who cannot individually provide for themselves. To this end, the City created the Office of Immigrant and Refugee Affairs (01RA) in 2012 to improve the lives of Seattle's immigrant and refugee families. In line with the City's values of social justice and equity, OIRA works to strengthen immigrant and refugee communities by engaging them in decisions about the City's future and improving the City's programs and services to meet the needs of all constituents. We believe supporting immigrants creates a stronger future for our nation. As with prior generations, today's immigrants are tomorrow's U.S. citizens, who will be fully engaged in the economic, cultural, and civic life of our society, both locally and nationally. I. THE USCIS TIP FORM PROVIDES AN OUTLET FOR UNSUBSTANTIATED ACCUSATIONS AND ANTI-IMMIGRANT PREJUDICE. The USCIS Tip Form appeals to the worst of human nature. It pits neighbor against neighbor, coworker against coworker by encouraging individuals to report one another to the authorities, potentially without any valid justification to do so. The USCIS Tip Form creates an outlet for prejudice, a means to put antiimmigrant bias into action. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence.' Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.' The sharp increase of hate crimes against immigrants during the current administration has served to further isolate immigrant communities who are afraid of reporting such crimes to the police for fear of deportation.' In Seattle, the number of reported hate crimes doubled between 2016 and 2017, with Washington State having the third highest rate of hate crimes per capita. More than half of the hate crimes reported in Seattle were racially motivated, and local advocacy groups have noted an uptick in crimes against immigrants and refugees.' The FBI acknowledges that hate crime incidents are underreported across the board, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.' We are very concerned that these local and national hate crime perpetrators will essentially weaponize the USCIS Tip Form and use this kind of reporting to further their intimidation tactics. II. THE USCIS TIP FORM IS AN UNNECESSARY WASTE OF VALUABLE GOVERNMENT RESOURCES THAT WILL LIKELY WORSEN USCIS EXISTING BACKLOGS. The Homeland Security Investigations (HSI) Tip Line is an already existing mechanism for the public to anonymously report immigration fraud and abuse and is managed by U.S. Immigration and Customs Enforcement (ICE), an actual law enforcement agency. The HSI Tip Line even has an online form submission option, making the USCIS Tip Form redundant and unnecessary. The additional resources required to monitor and pursue tips reported through the USCIS Tip Form would divert staff time and funding away from USCIS's primary function to review and adjudicate applications. As it is, USCIS is facing significant backlogs and attributes the growing wait times to staff shortages and increased volume of applications.'" USCIS should not divert its scarce resources to creating and supporting an online interface that will almost certainly be abused by those who harbor anti-immigrant sentiment. If the USCIS Tip Form is intended to be a tool to fight immigration fraud and abuse, significant resources must be allocated for the thorough investigation of tips. USCIS's proposal is lacking, among other things, an estimate of how much this additional enforcement will cost. The USCIS Tip Form will require unknown financial resources and needlessly extend the adjudication process at a time when USCIS simply cannot afford it. The current backlog of citizenship applications is nearly 740,000, more than double the amount from late 2015, despite the fact that there were 100,000 fewer applications filed in fiscal year 2017 than in the previous one. The adjudication wait time in numerous field offices is longer than 20 months, a drastic increase from just a few years ago.0 In addition to increased costs and extended wait times, bogging down the adjudications process with anonymous and unfounded allegations—which may have nothing to do with fraud and abuse—will harm applicants and their families. Under the current service model, USCIS case files are transferred from a service center to the local office whenever an interview is required. As it is, case files sometimes go missing temporarily or arrive too late for the interview. The notice regarding the USCIS Tip Form does not indicate how and when the tips will be added to an applicant's file, which may further complicate the tracking of the file. A tip could potentially come to USCIS at any point in the adjudications process, so staff at the service centers and local offices would all need to be trained on the procedure of adding tips to case files. Nor does the notice indicate how the adjudicating officer should handle or clarify tips added by a different USCIS staff member. Adjudicating officers would need to receive specialized guidance on how to consider this new evidence type. USCG will therefore waste additional resources training officers on how to weigh these tips against other evidence and how to discern the veracity and legality of such tips. III. THE USCIS TIP FORM IS A VIOLATION OF DUE PROCESS. A. The USCIS Tip Form is vague and does not indicate how collected information will be used. The USCIS Tip Form fails to set any criteria for reporting fraud and does not attempt to define this legally complex term. USCIS has not indicated how the information collected through the USC1S Tip Form would be used in adjudications and to what extent tips will be investigated or confirmed through other means to distinguish between valid claims and claims simply motivated by vengeance, hate, or ignorance. USCIS has no formal mechanism to follow up on allegations, and applicants for benefits are not given access to the derogatory information lodged against them or are not allowed to refute the allegations. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Many applicants for immigration benefits have faced a similar struggle with background checks that take months or years to clear, while they are denied any information as to the reason for the delay. It seems likely that the USCIS Tip Form will similarly create pretextual delays in case processing, even if the tips are without merit and/or have been fully investigated. B. The USCIS Tip Form encourages users to submit tips that have nothing to do with immigration fraud. Individuals submitting a tip through the USCIS Tip Form are asked to provide their name and contact information, but they are permitted to submit the tip without doing so. Form users do not need to submit any background information or evidence in support of their allegation. The form does not require the allegation to bear any connection to a pending immigration application. The form can be used to make allegations against someone who is not even seeking an immigration benefit, even though that means the individual could not, by definition, be committing immigration fraud. While the definition of fraud is legally complex, many individuals will submit reports based on animus or unsubstantiated rumors—even if the accused individual has had no contact with USC1S. USCIS seems to acknowledge this likelihood by creating an "other" category. In doing so, USCIS encourages claims with no connection to immigration fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for vulnerable immigrants—both individuals and targeted communities. C. USCIS already has ample mechanisms in place to expose immigration fraud. Within its existing forms and procedures, USCIS has already made it extremely difficult to commit immigration fraud. The Forms1-485 and N-400 have been expanded in recent years to mine for discrepancies, even inconsequential ones, that may expose a basis for ineligibility, including fraud. The distinct possibility of a marriage fraud interview or a DNA test in a family-based immigration case serves as a strong deterrent for many would-be applicants, and in fact, unfairly disqualifies some applicants with completely bona fide marriages or family ties. What additional information is USCIS seeking to obtain from the USCIS Tip Form that cannot be adequately gleaned from the tools and mechanisms already in place? Again, it seems probable that the USCIS Tip Form will do less to root out actual fraud and more to merely expose vulnerable immigrants living in our communities. IV. THE USCIS TIP FORM THREATENS VAWA CONFIDENTIALITY AND PUTS SURVIVORS AT RISK. The USCIS Tip Form puts survivors of domestic violence at particular risk. An abuser who seeks to further isolate his or her immigrant partner may threaten to report them to USCIS, and this threat, even if it is never carried out, instills great fear in the partner. The USCIS Tip Form allows abusers to act without consequence or repercussion in reporting their partners to USCIS. Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.12 The USCIS Tip Form provides an easy-to-access tool for abusers to manipulate, harm, and further isolate their partners. This is extremely problematic and dangerous, as "one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation."13The likelihood that the USCIS Tip Form will further enable abusers completely undermines the intent of the Violence Against Women Act (VAWA). VAWA protections allow survivors of domestic violence, sexual assault, human trafficking, and other forms of violence to seek protection without fear of deportation. Recognizing that abusers often try to manipulate the legal system, VAWA ensures that the government should not make an adverse determination based solely on information provided by a perpetrator or a member of a perpetrator's household or family member.14These protections, codified at 8 USC §1367 are "designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims."Th DHS's own guidance instructs adjudicators to use caution and be skeptical of "tips": "There are a number of ways DHS employees might receive 'tips from an abuser or an abuser's family, such as: calling ICE to report the victim as illegal, a 'landlord' (who may actually be a human trafficker) calling ICE to report that his 'tenants' are undocumented, or providing information to USCIS rebutting the basis for the victim's application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect." 16 Congress gave USCIS the mandate to protect survivors who have applied for benefits under VAWA. It is unclear at this point whether USCIS has considered the Tip Form's effect on survivors of abuse and violence, much less how the agency will ensure compliance with the confidentiality provisions of § 1367.If an abuser provides a tip about someone who has applied for immigration benefits under VAWA, how will USCIS respond? If USCIS follows up with the abuser, the system is validating the abuser and working against the survivor. The lack of guidance on how the Tip Form will be used makes it seem likely that USCIS will improperly consider tips submitted by abusers and perpetrators of violence. V. THE USCIS TIP FORM HAS A LACK OF ACCOUNTABILITY REGARDING INFORMATION-SHARING. Historically, with the notable exception of information collected from applicants seeking VAWA benefits, information collected by USCIS could be shared with other government agencies, especially those within the Department of Homeland Security. The USC1S Tip Form does not appear to make any restrictions on how collection information, however unsubstantiated, may be shared with other law enforcement agencies, including Immigration and Customs Enforcement (ICE). The USC1S Tip Form does not guide form users on the type of information to be provided or require users to submit their tip under penalty of perjury. VI. CONCLUSION The City of Seattle stands in vehement opposition to the creation of the Form G-1530. This action would be a poor use of government resources. It encourages unsubstantiated, animus-driven reporting, and it puts already-vulnerable individuals more at risk. We ask USCIS to withdraw its planned publication of the USCIS Tip Form and instead focus its time and resources on reducing the backlog of pending immigration applications. Sincerely, Cuc Vu, Director Office of Immigrant and Refugee Affairs City of Seattle cuc.vu@seattle.gov (206) 727-8515 | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 250** | **Commenter: Vanessa MacDougal** |  |
| **4/16/2019** | This is a terrible idea. These are basically Gestapo tactics, to encourage people to rat out their neighbors. It also encourages all kinds of abuse. If someone gets on your nerves, report them and say you think they are committing immigration fraud. Notice I said "someone" and not "an immigrant". Complying with the investigation would still be an effective form of harassment for many citizens.   It also contribute to an idea of immigrants as suspect and criminal. The United States is a nation of immigrants. As a first-generation American myself, I object strenuously to the framing of immigrants as criminals. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 253** | **Commenter: Rebecca Sheff, Texas RioGrande Legal Aid** |  |
| **4/16/2019** | Texas RioGrande Legal Aid (“TRLA”) writes to urge that the new information collection activity proposed by the Department of Homeland Security (“DHS”)—“USCIS Tip Form”1—be withdrawn and that the agency adhere strictly to its Violence Against Women Act (“VAWA”) confidentiality obligations.  TRLA is a leading provider of free legal services to eligible low-income Texas residents.2 TRLA’s primary service area of 68 counties in south and west Texas include all of the 32 Texas counties that border Mexico, and encompass an estimated 2.6 million Texans who are eligible for TRLA’s services. TRLA also provides legal services to survivors of sexual assault in an additional 114 counties in northwest Texas, and to migrants and seasonal agricultural workers throughout the entire state of Texas and in six additional states.3 TRLA’s comments are based on almost 50 years of experience in providing legal services to low-income individuals through its 44 substantive practice teams, including immigration, human trafficking, family and domestic violence, housing, public benefits, homelessness prevention, and employment.  I. Introduction. TRLA has a long-standing commitment to serving victims of domestic violence, sexual assault, human trafficking, and other criminal activity, and is particularly concerned about the ways in which the Proposed USCIS Tip Form will harm these vulnerable populations. The comments below focus on the following concerns:  1. The Proposed USCIS Tip Form would challenge the core of VAWA confidentiality protections by enabling abusers to submit information regarding VAWA-protected petitions and applications.  2. The Proposed USCIS Tip Form would violate due process by denying survivors of domestic violence, human trafficking, and other criminal activity any opportunity to refute allegations of fraud.  3. The Proposed USCIS Tip Form would endanger survivors by soliciting unsubstantiated information from anonymous sources based on a vague, overbroad definition of fraud.  II. Background on VAWA protections regarding “source limitations.” Abusers often seek to intimidate and control victims of domestic violence, human trafficking, and other criminal activity by weaponizing the immigration system, law enforcement, and legal proceedings against them. 4 Abusers often threaten to have noncitizen victims arrested or deported.5 Traffickers routinely use such threats to compel victims to engage in further sex work or labor, while batterers coerce their intimate partners to remain in the abusive relationship. When abusers learn about the existence of the victim’s immigration case, they may seek to manipulate or disrupt the case by contacting the adjudicating agency or contacting immigration enforcement.6 These tactics are a characteristic component of abusers’ efforts to maintain power and control over their victims.7 Recognizing these substantial risks, Congress has established confidentiality protections that restrict the sources of information that government agencies may consider in adjudicating VAWA-protected petitions and applications.  The VAWA confidentiality provisions, codified at 8 U.S.C. § 1367, mandate, inter alia, that DHS is prohibited from making adverse determinations of admissibility or deportability under the Immigration and Nationality Act using information furnished solely by a spouse, parent, or related household member, who has battered the noncitizen or their child, or subjected the noncitizen or their child to extreme cruelty. 9 The same prohibition applies to information furnished by human traffickers and other perpetrators.10 The only carve-out in the statute permitting the use of such information is where the noncitizen has been convicted of certain crimes.11 This aspect of VAWA confidentiality is sometimes referred to as its “source limitations.” DHS guidance on VAWA “source limitations” states that the prohibition on making adverse determinations based on information from abusers, traffickers, or other perpetrators applies broadly, “regardless of whether the [noncitizen] has applied for VAWA benefits, or a T or U nonimmigrant status,” and would apply, for instance, where a victim has not yet filed but “might be in the process of preparing an application.”12  According to DHS guidance, whenever a DHS officer or employee receives adverse information from “a spouse, family member of a spouse, or unknown private individual,” the officer or employee is required to check for a VAWA protection “flag” in the system and to be “sensitive to the fact that the [noncitizen] at issue may be a victim and that a victim-abuser dynamic may be at play.”13 DHS guidance recognizes that an abuser or an abuser’s family might provide “tips” to DHS employees in a number of ways, including by calling ICE or providing information to USCIS.14 Accordingly, when DHS employees receive adverse information from a prohibited source, they are instructed to “treat the information as inherently suspect.”15 Specifically regarding assertions of fraud by prohibited sources, DHS guidance recognizes that, for example, “[a]busers often claim their marriage is fraudulent in order to exact revenge or exert further control over the victim.”16 DHS employees are instructed that “[a]n assertion of fraud by the prohibited source” ordinarily may not be “the sole basis for adverse action,” in accordance with the statutory VAWA protections.17 Further, DHS employees are prohibited from taking action on information from a prohibited source unless there is an independent source of corroboration, and they are instructed to “exercise all appropriate prosecutorial discretion with respect to pursuing the adverse information.” 18 Specific procedures, including supervisory involvement, are required if a DHS employee seeks to take action.19 Willful violations of VAWA confidentiality protections are statutorily punishable by “appropriate disciplinary action” and civil monetary penalties of up to $5,000 for each such violation.20 The DHS Office for Civil Rights and Civil Liberties has an established complaint procedure for violations of the VAWA confidentiality provisions.21 As DHS has acknowledged, violations are not only subject to penalty but also “could give rise to serious, even lifethreatening, dangers to victims and their family members.”22  III. The Proposed USCIS Tip Form would give abusers a new avenue to intimidate and threaten survivors of domestic violence, human trafficking, and other criminal activity.  A. The Proposed USCIS Tip Form would challenge the core of VAWA confidentiality protections by enabling abusers to submit information regarding VAWA-protected petitions and applications. In TRLA’s experience providing legal services to survivors of domestic violence, sexual assault, human trafficking, and other criminal activity, abusers regularly seek to provide false and derogatory information to government officials including USCIS, ICE, and local law enforcement. In doing so, abusers often take advantage of noncitizen victims’ lack of familiarity with the legal system, limited English proficiency, and isolation from society. By creating a new channel for abusers to funnel information to DHS, the Proposed USCIS Tip Form would become yet another tool for abusers to wield to maintain dominance over their victims or retaliate against them for seeking safety and accountability. The Proposed USCIS Tip Form appears to specifically invite information regarding VAWA-protected petitions and applications. It includes a category labeled “Marriage or Fiancé Visa Fraud,” which could reasonably be construed as including not only K-1 visas but also VAWA-protected petitions and applications such as VAWA self-petitions and I-751 waivers.23 It also includes a broad catch-all category labeled “Other – Immigration Benefit Fraud or Abuse,” which could include virtually any and all VAWA-protected petitions and applications. 24 The Proposed USCIS Tip Form provides no indication as to whether or how USCIS officers would identify information submitted by abusers, traffickers, or other perpetrators. While the notice in the Federal Register states that the Proposed USCIS Tip Form would foster the collection of “credible and relevant claims” of fraud,25 the form itself is not structured to ensure any quantum of credibility and instead allows for unsubstantiated tips to be submitted anonymously. USCIS officers reviewing anonymous submissions would have no way of identifying information provided by prohibited sources. Even if the tipster provided their name, it would not necessarily be apparent (in the absence of details provided by the tipster in the narrative section of the Tip Form, or information otherwise available in a pending or approved VAWA-protected petition or application) whether the tipster is an abuser, trafficker, or perpetrator of other criminal activity. In some circumstances, a tipster may appear to have an innocuous relationship to the victim—for instance, a trafficker who holds themselves out as a landlord via the Tip Form in order to report on trafficking victims filing for relief—and significant time and resources would be required to identify that tipster as a prohibited source.  The Proposed USCIS Tip Form focuses on urging tipsters to provide enough details for a tip to be “actionable”26 but fails to require sufficient information from tipsters for reviewing USCIS officers to determine whether the tip must be treated as “inherently suspect”27 and excluded in the absence of an independent corroborating source under the VAWA confidentiality statute. Congress has emphatically indicated that USCIS is to review primary evidence— including, but not limited to, “court records, government databases, affidavits from law enforcement officials, and previous decisions by DHS or Department of Justice personnel”—as well as “[o]ther credible evidence” in determining whether a person furnishing information is a prohibited source.28 Such verifications, for which the Tip Form is inadequate, are vital for the protection of victims. Concerningly, the Tip Form indicates affirmatively that USCIS officers will “review your information to determine the appropriate action,” investigate allegations, and “use[] the information you provide … to determine eligibility for a requested benefit,”29 which could include the impermissible consideration of information furnished by prohibited sources. Moreover, USCIS officials who contact tipsters to follow up on their allegations, based on the skeletal Tip Form information, may directly or indirectly confirm to abusers, traffickers, or other perpetrators the existence of a VAWA-protected petition, in violation of the statute.30 While the Proposed USCIS Tip Form references “relevant confidentiality provisions” in discussing the scope of routine disclosures that may be made,31 it fails to acknowledge the existence of VAWA “source limitations” and provides no indication as to how USCIS will adhere to its statutory obligations under 8 U.S.C. § 1367(a)(1), violations of which are punishable by disciplinary action and civil monetary penalties. B. The Proposed USCIS Tip Form would violate due process by denying survivors of domestic violence, human trafficking, and other criminal activity any opportunity to refute allegations of fraud. Information provided via the Proposed USCIS Tip Form by abusers, traffickers, and other perpetrators—especially if provided anonymously—could be used for adverse determinations in violation of 8 U.S.C. § 1367, without survivors ever having the opportunity to learn of or challenge such allegations.  The Proposed USCIS Tip Form would allow for unsubstantiated allegations to be reported, and provides no indication as to how the information would be used in investigations or adjudications. It is unclear how USCIS would assess the validity of information provided by anonymous tipsters, identify when one individual has submitted multiple tips, or identify instances in which tipsters are fraudulently claiming to be someone other than their true identity. The form also does not notify tipsters that a submission is subject to perjury laws. The format of the Proposed USCIS Tip Form thus encourages misuse. Further, the notice does not make clear whether the subject of the tips would ever be informed of the tipster’s allegations. In the VAWA context, this lack of notice and transparency would deny survivors the opportunity to identify whether the tipster was in fact their abuser, trafficker, or other perpetrator. Courts routinely scrutinize VAWA-protected immigration cases to determine whether DHS or other government agencies relied solely on information furnished by prohibited sources.32 Where it is found that the government impermissibly relied on such sources, courts will remand for reassessments excluding that information unless independent corroborative evidence is obtained from an unrelated source.33 In fact, removal proceedings are to be terminated if filed in violation of the VAWA statute. 34 However, if survivors have no means of discovering whether USCIS has impermissibly relied on information from prohibited sources, their applications may be denied or their benefits revoked without a fair opportunity for survivors to assert that such information must be disregarded under VAWA “source limitations.” Essentially, the Proposed USCIS Tip Form would be a vehicle for abusers to covertly interfere with survivors’ immigration cases, in violation of the law and with impunity for USCIS officials relying on such information.  C. The Proposed USCIS Tip Form would endanger survivors by soliciting unsubstantiated information from anonymous sources based on a vague, overbroad definition of fraud.  The Proposed USCIS Tip Form fails to provide any definition of “immigration benefit fraud and abuse.” The question of what amounts to “fraud” is a complex one, grounded in the Immigration and Nationality Act, pertinent regulations, and case law. For many VAWAprotected petitions and applications, the inquiry is very fact-specific—for instance, the assessment of whether a survivor entered into marriage in good faith. The Proposed USCIS Tip Form does not set out any meaningful criteria regarding the types of information that would be relevant for investigations into fraud or abuse. Thus, the Tip Form invites an overbroad swath of derogatory information, including regarding survivors of domestic abuse, human trafficking, and other criminal activity, whose abusers are particularly likely to seek to manipulate the immigration system in order to exert control over them or retaliate against them. Without any transparency or other safeguards, survivors would be denied any opportunity to confront such information or to seek its exclusion under 8 U.S.C. § 1367(a)(1).  IV. Conclusion. DHS’s proposed use of a new USCIS Tip Form will harm survivors of domestic violence, human trafficking, and other criminal activity by creating a new avenue for abusers to intimidate them and interfere with their immigration cases. By allowing for unsubstantiated, anonymous tips to be submitted without jeopardy of perjury and without any due process safeguards for survivors, the Proposed USCIS Tip Form is poised to violate USCIS’s statutory mandate regarding VAWA’s “source limitations.” DHS should withdraw the Proposed USCIS Tip Form | **Response:**  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment** | **Commenter: M. Kane** |  |
| **4/16/2019** | Dear Ms. Deshommes: I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. I believe the USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process. USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission. Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally. These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement. The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. I believe this could harm members of my community who may be discriminated against and targeted. Furthermore, this takes away from vital resources that could instead be used to process adjudication of benefits and other applications. USCIS has radically slowed application processing in the past two years. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. The USCIS Tip Form violates due process, is overbroad and vague, and could encourage misuse.  ● The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.  ● Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.  ● The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.” Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported. To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member. These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.” This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS. DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.” Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. ● Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws.  ● Conclusion I strongly oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Sincerely, M Kane | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  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USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 240** | **Commenter: Grace Huang** submitted on behalf of the Asian Pacific Institute on Gender-Based Violence (API-GBV) |  |
| **4/16/2019** | This comment is submitted on behalf of the Asian Pacific Institute on Gender-Based Violence (API-GBV) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. API-GBV is a national resource center on domestic violence, sexual violence, trafficking, and other forms of gender-based violence in Asian and Pacific Islander and immigrant communities. API-GBV works in partnership with various national networks of advocates, community-based service programs, federal and state government agencies, national and state organizations, legal, health, and mental health professionals, researchers, policy advocates, and activists from social justice organizations to better address the needs of Asian and Pacific Islander and immigrant victims. API-GBV analyzes critical issues, promotes culturally relevant evidenceinformed intervention and prevention, provides consultation, technical assistance, and training; develops resources, conducts and disseminates research and impacts systems change through administrative advocacy and policy analysis. Based on our experience and supporting victim advocates who work with Asian and Pacific Islander and immigrant survivors of gender-based violence, and in working directly with immigrant survivors of gender-based violence, we strongly oppose the proposal to implement the new Form-G-1530: USCIS Tip Form. 2 I. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk Like all victims, immigrants experience physical and sexual violence, risk of harm to their children, psychological and emotional harm, and financial abuse. 1 Immigrant women face a high risk for experiencing severe domestic violence victimization, including and not limited to, intimate partner homicide. Among intimate partner homicide victims in the United States, immigrant victims are disproportionately represented compared to their representation in the U.S. population. 2 For immigrant victims of intimate partner violence, abusers may exploit their victims’ lack of English proficiency, isolation from their family and other helping systems, lack of understanding or familiarity with the American legal system, religious and cultural customs, to further threaten, isolate, and abuse them.3 In addition, abusers often use their lack of secure immigration status as a tool of coercion and control, by threatening detention and deportation alongside separation from children or other family members.4 The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”5 Survivors in the United States on visas which are dependent on their spouses can be highly vulnerable to abuse and immigration threats. The abuser has the ability to dictate whether a survivor can attain or maintain stable immigration status and will often hide legal documents and threaten to withdraw or refrain from filing applications that would allow survivors to obtain status in order to maintain power and control. In addition, survivors report that abusers threaten that if they go to the police or court, they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.6 With recent policies and calls for local law enforcement to engage in federal immigration enforcement efforts, immigrant survivors have become increasingly fearful to report domestic violence, sexual assault, and human trafficking. In a 2017 survey of 715 advocates and attorneys serving immigrant survivors, 78% of advocates and attorneys reported that survivors have concerns about contacting police, and 43% of advocates worked with immigrant survivors who dropped civil or criminal cases related to an abuser or perpetrator because they were afraid to continue with their cases.7 With the underreporting of crime and immigrant survivors’ reluctance to assist in investigations, 69% of law enforcement officials report that domestic violence has become harder to investigate, 63% said the same about human trafficking, and 59% said this was true about sexual assault.8 Abusers’ threats have been extremely harmful to survivors in the Asian and Pacific Islander (API) community where between 21-55% of API women report experiencing domestic or sexual violence during their lifetimes.9 Survivors are forced to decide whether it is more dangerous to stay in an abusive relationship or seek help and potentially place themselves at risk of immigration enforcement. A survivor of verbal, emotional, and physical violence who immigrated to the United States from India explains that the worst abuse she suffered were the threats from her husband that her immigration status was tied to his, and that she would be deported if she left him or reported him to the police.10 DAYA, a nonprofit supporting South Asian survivors of domestic violence, reported that in the first nine and a half months of 2018, while call volume from survivors remained the same, the number of reports by survivors of immigration threats more than doubled compared to the previous year.11 To combat an abuser’s exploitation of a survivor’s immigration status, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. VAWA provides survivors with pathways to petition for survivor-based immigration status independent of the abuser, weakening the abuser’s ability to use immigration as a way to control the survivor. Recognizing that abusers will attempt to manipulate legal systems against survivors, Congress created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by a perpetrator or a member of a perpetrator’s household or family member.12 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”13 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as a VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.14 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”15 These confidentiality provisions were a necessary response to the fact that abusers who become aware of a survivor’s case for immigration status will often attempt to interfere with the case to prevent the survivor from attaining status. When the abuser of a survivor from Taiwan learned that the survivor had a pending VAWA Self-Petition, he attempted to sue United States Citizenship and Immigration Services (USCIS) and sent letters to USCIS claiming that he was the only one who could obtain papers for the survivor.16 Ensuring that there are confidentiality provisions in place to protect the safety and information of the survivor has been crucial in encouraging survivors to apply for survivor-based immigration relief that allows them to escape abuse and begin to rebuild their lives. For example, a survivor from Vietnam who lacked stable immigration status as her U.S. citizen husband and abuser failed to help her file for permanent residency after bringing her to the U.S. on a fiancée visa only felt safe filing for a VAWA self-petition after she was assured that her husband would not be informed of her application.17 The legal prohibition against using information from an abuser’s family members has been critical for non-citizen API survivors applying for status, as a dynamic of gender-based violence in API communities can manifest as abuse of a single survivor by multiple perpetrators. In the extended Asian family structure, the family members of a perpetrator may also wield power and control over a survivor and subject the survivor to abuse. In these relationships and environments, survivors receive immigration threats from not only the abuser, but also from the abuser’s family. A survivor from South Asia who came to the U.S. as a young bride on a dependent visa recalls both her husband and her in-laws threatening to cancel her visa. The survivor ultimately successfully filed for a U visa that provided her with immigration status separate from her abuser and abuser’s family.18 Anonymous reporting encourages misuse of the USCIS Tip Form by abusers and perpetrators of crime and undermines the express intent of the confidentiality provisions and VAWA. The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. This would provide an opportunity for abusers and perpetrators of domestic and sexual violence, along with their family members, to circumvent the confidentiality provisions as they would have the ability to submit “tips” of immigration fraud anonymously. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether the information submitted is impermissibly motivated by abusers. The implementation of the USCIS Tip Form would therefore jeopardize the ability for survivors to seek protection without harmful interference from an abuser or perpetrator, undermining the very intent and purpose of the confidentiality provisions. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information also threatens statutory protections in VAWA. The USCIS Tip Form will discourage survivors from pursuing survivor-based immigration relief and protection. With the recent expansion of immigration enforcement actions, survivors have become reluctant to pursue immigration cases. In 2017, 62% of agencies observed an increase in the number of immigration-related questions from survivors who shared concerns about whether or not to submit petitions for immigration status.19 The implementation of the USCIS Tip Form would only serve to further deter survivors from applying or petitioning for immigration relief. USCIS has not provided any information on how it will handle and respond to anonymous tips submitted through the USCIS Tip Form. By providing abusers and perpetrators of domestic and sexual violence with an official channel to submit “tips” of immigration fraud without any formal mechanism to follow up on allegations, survivors will fear that abusers will provide information that will result in the rejection of their cases and lead to their deportation. The USCIS Tip Form would therefore become yet another means for abusers and perpetrators of domestic and sexual violence to silence survivors and keep them trapped in abusive relationships and situations. The obligations of 1367, which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. II. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement (ICE). USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. Information sharing with ICE will be highly detrimental to survivors of domestic and sexual violence. Currently, even with the confidentiality provisions in place for survivor-based petitions and applications for immigration relief, survivors are still subjected to immigration enforcement actions due to information provided by an abuser. ICE arrested a South Asian Muslim survivor after her abuser notified ICE that he was withdrawing his support of her visa. The survivor was placed in removal proceedings based on this information despite the fact that she had a prima facie approval of her VAWA Self-Petition and was in a period of authorized stay pending the outcome of her petition.20 By allowing information submitted to USCIS to be shared with ICE, abusers will have another means by which to report survivors to immigration enforcement agencies and place survivors at increased risk of arrest and deportation, notwithstanding the prohibitions found at 8 USC 1367. III. The USCIS Tip Form violates due process and is overbroad and vague. USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. The lack of concrete requirements and unclear definitions of the USCIS Tip Form will provide abusers with broad leeway to submit claims of purported fraud. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for abusers to subject immigrant survivors to harassment with serious consequences for survivors and government administrators. IV. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.21 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.22 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. The presumption of fraud will be particularly harmful for immigrant survivors of gender-based violence, as there already exists an attitude of disbelieving and blaming survivors of domestic and sexual violence. The API community is especially marked by a strong culture of normalizing violence against women, which leads women’s experiences of violence to be discounted and causes survivors to be considered entirely or partially at fault for the violence. Placing a larger emphasis on fraud in the immigration benefits process will exacerbate the rhetoric that survivors are lying about abuse or sexual assault and create even more barriers for survivors to come forward. Reported survivors will face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. V. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public and abusers will take away from adjudication of benefits. The adjudications process and immigration system are already suffering from backlogs and USCIS has radically slowed application processing in the past two years.23 The processing delays for survivor-based immigration relief such as the VAWA self-petition, U visa, and T visa leave survivors without stable immigration status independent of their abusers, causing them to remain highly vulnerable to abuse. In fiscal year 2018, USCIS processed visas for trafficking victims to petition for immigrant workers more slowly than it did in fiscal year 2014.24 Survivors seeking protection through the U visa are particularly impacted by processing delays, which has reached 51 to 51.5 months to simply be placed on the waitlist, not issuance of the full four-year visa.25 The backlog of U visa cases has also reached over 229,000 pending applications.26 The diversion of even more resources from adjudicating cases to investigating anonymous and unfounded allegations of fraud will only serve to further overburden the immigration system and impede the ability for survivors to attain status that would allow them to leave abusive relationships and have access to resources to move forward with their lives. VI. Conclusion For the foregoing reasons, the Asian Pacific Institute on Gender-Based Violence strongly opposes the publication of the USCIS Tip Form as it creates additional hardship for vulnerable immigrants and survivors of domestic violence, sexual assault, and human trafficking. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not discourage immigrant survivors from accessing help and that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Please contact me if you have any questions or concerns relating to these comments. Thank you. Respectfully submitted, ASIAN PACIFIC INSTITUTE ON GENDER-BASED VIOLENCE | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  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USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 245** | **Commenter: Marjean Perhot, Catholic Charities Archdioceses of Boston** |  |
| **4/16/2019** | On behalf of Catholic Charities Archdiocese of Boston, we write in strong opposition to the Department of Homeland Security (“DHS”), U.S. Citizenship and Immigration Service’s (“USCIS”) proposal to implement the new Form, G-1530: USCIS Tip Form (“Tip Form”), to collect information from the public regarding purported immigration fraud, Docket ID USCIS2019-0001, OMB Control Number 1615-NEW, published in a Federal Register Notice (“Notice”) on February 15, 2019. The proposed change will increase the burden on USCIS; increase the burden on the public; endanger the fair adjudication of applications of survivors of crime and domestic violence; threaten applicants’ rights of due process; and encourage racial profiling.  Catholic Charities of the Archdiocese of Boston (CCAB) was established in 1903. Our founder, Archbishop John J. Williams saw the deplorable conditions the immigrants at that time, Irish, German, and Italian, faced. He envisioned an agency to provide supports and care for those newcomers. Today, Catholic Charities continues its historical and long tradition of serving immigrants. Our mission to build a just and compassionate society rooted in the dignity of all people is carried out through 75 programs in 26 locations in Eastern Massachusetts where dedicated staff helped over 185,000 people of all faiths last year. CCAB Refugee and Immigration Services (RIS) division served 18,411 refugees and immigrants last year in Community Interpreter, Immigration Legal and Refugee Resettlement services. We serve individuals from all over the world regardless of religion, race, orientation, status, or ethnicity. The majority of those we serve speak Spanish and arrive from over 50 countries, from Afghanistan to Zimbabwe. In our Immigration Legal Services Department, 30% of our caseload includes representation for asylum seekers and survivors of crime and domestic violence.  I. THE PROPOSED CHANGE WILL INCREASE THE BURDEN ON USCIS USCIS contends that its proposed G-1530 “Tip Form” would “facilitate the collection of information from the public regarding credible and relevant claims of immigration fraud” and that the estimated total annual hour burden would be 9,130 hours. 1 The “Tip Form” is not necessary to the duties of USCIS, an administrative agency whose Mission Statement states that “USCIS’ customers will receive timely and accurate information and benefit application adjudications through [USCIS’] commitment to excellence, courtesy, process improvement, and employee development.”2 The “Tip Form” would not improve process, courtesy, or excellence of the agency for its intended customers. Instead of adjudicating applications and assisting applicants, the “Tip Form” would serve as a means of enforcing immigration policies, a duty specifically delegated to Immigration Customs Enforcement (“ICE”). ICE manages a Tip Line as well as the Homeland Security Investigations (“HSI”) Form, a form that collects the same information that the proposed “Tip Form” plans to collect.3 While the Notice claims that the initiative will create a burden of just 9,130 annual hours (based on data unexplained in the Notice), the creation of a new vehicle for reporting immigrants to DHS officials will surely increase the number of tips received, resulting in indefinite number of reports to be processed through this new initiative. When ICE’s HSI Tip Line was established, it began receiving a few thousand calls per year. Now, ICE claims to receive 15,000 HSI Tip Line calls per month, 4 which begs the question: if ICE already maintains an immigration fraud Tip Line, replete with already-trained teams of staff and technology for related tasks, why should USCIS create a redundant “Tip Line” of its own? How will it contain resources and personnel within 9,130 hours of the “Tip Form’s” proposed allotment? U.S. Customs and Border Protection (“CBP”) already refers its tipsters to the HSI Tip Line.5 It would be a waste of USCIS’s resources, to create and utilize yet another investigative forum when ICE’s express purpose in maintaining HSI is to collect tips on a wide range of immigration and violations, including “Benefit/Marriage Fraud” and “Immigration Telefraud.”6 In fact, all three of these DHS agencies already have systems in place to report immigration fraud, USCIS included. Even though it is not USCIS’s intended purpose to investigate immigration fraud, USCIS maintains a well-publicized means to report immigration fraud;7 to create another means of reporting immigration fraud would create increased burden to USCIS. The creation of a USCIS “Tip Form” would not only be redundant but also a waste of USCIS resources necessary for administering an already-clogged backlog of cases. USCIS has already recognized its staggering backlog of 2.3 million cases, higher than nexthighest historical backlog of 1.7 in FY 2004, in light of an increased number of petitions, greater complexity in adjudicating cases, and staffing difficulties.8 What’s more, increased access to reporting immigration fraud will lead to increased reports of immigration fraud from the public, inevitably overburdening USCIS officers. Overburdening USCIS officers will not forward “employee development,” let alone “process improvement” or “timely” information. Thus, the proposed “Tip Form” would be antithetical to USCIS’s mission, and would cause undue burden to its personnel and strain on the agency’s resources.  II. THE PROPOSED CHANGE WILL INCREASE THE BURDEN OF THE PUBLIC USCIS in its Notice claims there would be “no public burden cost associated with this collection.” The Notice proposes an internal burden of 9,130 hours, yet fails to mention how the creation of a new initiative would affect the public. While the “Tip Form,” as proposed, comes at no immediate public cost, the “Tip Form” would increase public burden in the form of wait times and increased application fees. In the past several years, processing times for cases have increased substantially, most notably in I-360 Self-Petitions for Special Immigrants, Battered Spouses, Parents and Children, and other Immigrants and I-918 U-Nonimmigrant Visa for Victims of Crimes applications, which have increased in processing times by 257% and 277% since 2015, respectively. 9 Training USCIS Officers to verify information from the Tip Form would increase waiting periods for USCIS customers. More applicants will spend increased time waiting for results as an outcome of increased time spent on receiving, processing, and either referring or investigating new “tips.” As a result, fees for services will also undoubtedly increase; in a USCIS report defending the 21% hike in application costs in FY 2017, USCIS Director L. Francis Cissna explained rising costs of applications: “As a primarily fee-funded agency, new initiatives are funded through [fee] increases.”10 While USCIS claims the proposed “Tip Form” application to have no immediate public cost, in reality this initiative will only further exacerbate the issue of rising application costs and processing times, public costs that directly impact the public, U.S. citizens and noncitizens alike.  III. THE PROPOSED CHANGE WILL ENDANGER SURVIVORS OF ABUSE The proposed G-1530 “USCIS Tip Form” would open further doors for abusers to continue to control and harass victims of crimes and abuse. In the Federal Register Notice announcing the proposed new form, USCIS states that the intention of the G-1530 “USCIS Tip Form” would be to collect tips about immigration fraud “impacting both open adjudications as well as previously approved benefit requests where the benefit remains valid.”11 Making use of the proposed “Tip Form” G-1530’s anonymity,12 abusers would be able to lodge complaints against their prior or current victims, who may be seeking immigration benefits through USCIS currently, have pending case, or already have received relief through USCIS. In any case, the tip form in its proposed format does not require submissions to include personal information about the person submitting the tip form. USCIS’s “Tip Form,” therefore, would become yet another weapon to control women, children, elders, and other victims of abuse to be submitted anonymously. Following guidance from the Violence Against Women Act (“VAWA”) to protect battered spouses and children and other victims of violent crimes, USCIS Officers must appropriately set aside as biased those remarks and tips made by abusers, their family members, or other bystanders to abuse, while adjudicating a victim’s application for immigration relief. 13 However, with the implementation of an easily accessible and easily anonymous tip form, abusers will easily conceal their identity to make claims against their victims—be it their past or their present victims. Without verified identities of the person making the tip, USCIS officers will find it difficult to discern who these tips are coming from, causing difficulties in following VAWA protection directives. USCIS applications for victims of crime or abuse will not only be jeopardized, but with greater opportunities for abusers to make anonymous tips to DHS authorities, victims will also be left at even greater risk of being abused, controlled, and manipulated by their abusers because of threats to call ICE tip lines and the would-be USCIS tip line. Victims’ rights advocates have reported concerns from survivors of domestic assault and sexual violence about abusers reporting their victims to ICE and police; in a recent survey of immigrant assault survivor advocates and legal services agencies, one provider stated that “A resident of the shelter was not comfortable applying for a TRO [Temporary Restraining Order] against her abuser because she was afraid he would call Immigration on her. This is real, and now legitimate fear.”14 The threat and even perceived threat of an abuser calling immigration is already causing women and other victims of abuse to live in silence. The proposed USCIS “Tip Line” would put the legal cases, and more importantly, the lives of more women and victims on the line. Many immigrant victims of abuse and assault already suffer in silence due to fears of being reported to ICE and being deported.15 To create a medium by which to transmit anonymous, unverified information to immigration authorities, USCIS would be playing into the hands of abusers and stoking the fears of immigrant survivors. Police departments from Houston, Los Angeles, Denver, San Diego and other cities of similar size to Boston across the country have voiced fears that fewer numbers of immigrants reporting violence may be due to victims’ fears of being reported by their abuser or of being deported.16 It can be logically deduced that immigrant survivors of abuse, as a result of fear-inducing policies such as a “Tip Line,” would be less likely to seek humanitarian protections. The creation by USCIS of a “Tip Line” would discourage survivors of abuse from applying to an investigative, quasi-enforcement agency, rather than putatively purely adjudicating agency USCIS is meant to be for all applicants.  IV. THE PROPOSED CHANGE THREATENS APPLICANTS’ RIGHTS OF DUE PROCESS The underlying proposal does not indicate how the claims of purported “immigration fraud and abuse” will factor into adjudications, and as such could pose threats to applicants’ right to due process. Under the proposed “Tip Form,” applicants may face unsubstantiated reports of immigration fraud or abuse during the adjudication process without being made aware of such charges. If USCIS insists on carrying out the duties of both ICE and USCIS in handling fraud tips while adjudicating applications, it must create a procedure in which those facing accusations of immigration fraud are able to: (1) know the full facts of the charges made against them; (2) be given proper notice of the possible impacts of “Tip Form” submissions made against them; (3) be given sufficient time to adequately respond to such charges; and last, but not least, (4) be provided an opportunity to answer to the accusations in writing, a hearing, or other means. USCIS’s proposed “Tip Form” will create unknown standards in cases involving submitted “Tip Forms.” If, for example, a victim of domestic violence is submitting their I-360 petition, but someone has submitted a claim that the applicant has committed immigration fraud, who will the USCIS officer believe, the survivor or the unnamed reporter? What weight will tips be given in the adjudication process? By opening the “Tip Form” to the public, USCIS will be creating an invitation for unsubstantiated claims against any number of well-deserving applicants, causing confusion and disturbance for USCIS officers and the numerous applicants who may be affected. An applicant who has a tip filed against them through the “Tip Form” would not be able to adequately respond to an accusation of fraud if not given proper notice and service of the accusation. If an increased number of claims cause officers to spend extra time evaluating unsubstantiated or unverifiable claims, surely delays in processing will occur, applicants will receive Requests for Evidence, and applicants will have to spend more resources on associated legal or administrative costs to appropriately respond. All things considered, the absence of procedural information in the Notice is alarming in no small part due to unknown costs to applicants’ rights of due process.  V. THE PROPOSED CHANGE WILL ENCOURAGE RACIAL PROFILING In an era of increased racial, ethnic, and religious based animosity, according to the most recently released FBI Annual Report on hate crimes, it is troublesome to know that people of color are already at greater risk of being victims of hate. 17 People of color and those of religious minorities will likely be disproportionately accused simply based on their ethnoracial background. The “Tip Form” will not only infringe upon rights of due process but also will encourage racial profiling by “tipsters.” By opening the door to public allegations of immigration fraud, no matter whether the allegations are substantiated or not, USCIS will see higher numbers of people of color, especially Black, Middle Eastern, South and Southeast Asian, and Latino populations, being reported. Pew Research Center reports that Latinos, for example, have experienced increased discrimination, criticism, and other harassment this past year.18 By creating another avenue to express racial animus, USCIS’s “Tip Form” would fuel racially motivated allegations, both raising grave civil rights concerns as well as complications for USCIS as a primarily adjudicating agency. This is a common pattern with online public reporting of suspected criminal activity: “Neighborhood Watch” programs and their virtual counterpart, “Nextdoor,” have often faced scrutiny for high numbers of unsubstantiated claims of purported “suspicious activities” of Black folks, resulting in calls to police about innocent Black people.19 Nextdoor and similar online tip forms like the proposed “Tip Form” share several troubling attributes: not only can claims be made to government authorities without proof or validity from the sender—possibly putting the claims’ subjects at risk and raising unwarranted caution by government entities—but these claims can also be made without fear of consequence for being unsubstantiated or being motivated by racism. As revealed in another recent Pew study, Black and Latino individuals are more likely to face online harassment than their white counterparts, 20 raising concerns that an anonymous online USCIS “Tip Form” would be used in bad faith against people of color.  The proposed “Tip Form,” in summary will cause increased public and governmental burden, endanger rights of victims of violence, pose significant concerns for applicants’ rights to due process, and encourage racially motivated accusations. Catholic Charities, in light of the abovestated concerns urges USCIS to rescind its proposed “Tip Form.” Thank you for the opportunity to submit comments on this proposed rule. We are available to answer any questions or concerns, please call 617-464-8101 or email marjean\_perhot@ccab.org. Sincerely, Marjean A. Perhot Director | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements.  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment 248** | **Commenter: Rosie Hidalgo, National Task Force to End Sexual and Domestic Violence** |  |
| **4/16/2019** | Dear Ms. Deshommes: The following eight organizations that are members of the Steering Committee of the National Task Force to End Sexual and Domestic Violence (“NTF”) submit this comment to express opposition to the proposed Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019 (hereinafter “USCIS Tip Form”).1  The NTF comprises of a large and diverse group of national, tribal, state, territorial and local organizations across the country. For over twenty-five years, members of the NTF have focused on the development, passage and implementation of effective public policy to address and prevent domestic violence, dating violence, sexual assault and stalking. As the Steering Committee of the NTF, we represent thousands of organizations and advocates across the country dedicated to ensuring that all survivors of domestic violence and sexual assault receive the protections they need and deserve, including those from marginalized communities.  Many of our organizations worked with Congress to create essential protections in the bipartisan Violence Against Women Act of 1994 (VAWA) and in subsequent reauthorizations of the law. VAWA’s legislative history makes clear that one of the critical goals of this landmark legislation was to alleviate the barriers that immigrant survivors often face accessing protection and safety, noting that immigrant survivors “. . . should not have to choose to stay with their abusers in order to stay in the United States.”2 The NTF is dedicated to keeping survivors safe and free from continuing trauma, while holding perpetrators accountable. The USCIS Tip Form should be withdrawn as it does neither; it has the potential to create additional risks and barriers for immigrant survivors of domestic violence, sexual assault, dating violence and stalking and would embolden perpetrators of violence to further weaponize the immigration system against survivors, without consequence or repercussion. I. The USCIS Tip Form Increases Barriers and Risks for Survivors The U.S. Congress has long recognized that protecting victims of domestic violence, sexual assault, human trafficking, and other crimes is in keeping with the humanitarian interests of the United States. Congress has also acknowledged that abusers often use a victim’s immigration status as a tool of power and control. This understanding led to legal provisions in the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act intended to protect immigrant victims of crimes. One of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.3 As reported by the National Domestic Violence Hotline (NDVH), abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented or threaten to call immigration enforcement to have survivors arrested or deported.4 In its 2017 Impact Report, the NDVH indicated that nearly 8,000 victims who had contact with the Hotline were struggling with immigration issues.5 Recent changes in immigration policy are sharpening the tools of abusers and resulting in increased risks of harm to survivors. Unfortunately, abusers’ threats that victims will be deported and separated from their children are being actualized. Victims have been arrested at courthouses,6 abusers try to manipulate the legal system against survivors,7 and immigrant survivors around the country are afraid to reach out for help to address domestic violence and sexual assault due to fears of deportation.8 The results of a 2017 survey of advocates and attorneys further illustrate this chilling effect. 78 percent of respondents to the survey reported that immigrant survivors expressed concerns about contacting the police and 43 percent of advocates worked with immigrant survivors who dropped civil or criminal cases because they feared continuing their cases.9 In another recent survey, 69 percent of law enforcement officials reported that domestic violence was harder to investigate due to immigrant survivors’ unwillingness to come forward.10 64 percent of law enforcement also expressed concern for community safety when immigrant crime survivors are afraid to seek assistance.11 Recognizing that abusers will often try to manipulate legal systems against survivors, Congress created critical protections for the information that survivors share with officials that are “. . . designed to ensure that abusers and criminals cannot use the immigration system against their victims.”12 Among these protections is that DHS and other agencies may not make adverse determinations on survivor-based cases based on information solely provided by a perpetrator or a member of a perpetrator’s household or family member, with extremely limited exceptions.13 These protections are so critical that they apply regardless of whether an application for immigration relief is pending with USCIS and carry a $5,000 civil penalty and disciplinary action if violated.14 DHS itself recognized: Violations of Section 1367 could give rise to serious, even life-threatening, dangers to victims and their family members. Violations compromise the trust victims have in the efficacy of services that exist to help them and, importantly, may unwittingly aid perpetrators retaliate against, harm or manipulate victims and their family members, and elude or undermine criminal prosecutions.15 DHS’ own guidance states that “. . . abusers often claim their marriage is fraudulent in order to exact revenge or exert further control over the victim.”16 The proposed USCIS Tip Form will serve as a tool for abusive partners and perpetrators of crime to anonymously accuse survivors of fraud, to manipulate survivors, potentially harm their immigration cases, and perpetuate the cycle of power and control with total impunity. While the USCIS Tip Form indicates that reporting individuals may list their name and contact information, it is not a requirement. Furthermore, the USCIS Tip Form does not contain a statement requiring the reporter to verify the veracity of the allegations nor list any consequences or penalties for providing false information.17 USCIS has not provided any information about how it will handle and respond to these anonymous tips. It does not indicate whether there are legal and procedural safeguards to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated by abuser retaliation. Without this information, it is unclear whether reported survivors will have any access to due process or any recourse against false reports. II. The USCIS Tip Form is Unnecessary and Ineffective Based upon the breadth of experience and expertise of our organizations, we hold that the USCIS Tip Form is unnecessary and will cause significant harm to immigrants, including immigrant survivors and their children.18 Furthermore, the proposed USCIS Tip Form is an unneeded redundancy, as the Department of Homeland Security (DHS) already has various mechanisms in place for the public to report suspected fraud.19 Thus, the proposed USCIS Tip Form does not solve any demonstrable insufficiencies in current processes and procedures and is duplicative of existing efforts.20 USCIS already has significant backlogs in adjudicating claims, resulting in lengthy delays that undermine safety for victims who have submitted applications for the VAWA self-petition, the U visa for victims of crime, and the T visa for victims of trafficking. The USCIS tip form will only lead to further delays, while simultaneously undermining effective adjudication and the integrity of the process.  III. Conclusion Our organizations are extremely concerned about preventing fraud, as it undermines the integrity of our institutions and the experiences of survivors. However, we strongly believe that the current mechanisms in place to identify and manage fraud are adequate, and that the USCIS Tip Form does not contribute to those efforts, rather, it threatens existing protections for immigrant survivors of domestic violence, dating violence, sexual assault, stalking and trafficking. We call for its immediate withdrawal. We are grateful for your careful consideration of our comments.  For additional information, you may contact Rosie Hidalgo at rhidalgo@casadeesperanza.org. Respectfully submitted, Casa de Esperanza: National Latin@ Network for Healthy Families and Communities Futures Without Violence Legal Momentum National Alliance to End Sexual Violence National Coalition Against Domestic Violence National Domestic Violence Hotline National Network to End Domestic Violence National Resource Center on Domestic Violence | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  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USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements |
| **Comment 229** | **Commenter: Natalie Patrick - Knox** |  |
| **4/16/2019** | I am in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  I have been a long-time advocate helping workers in vulnerable situations access their rights. I have had the opportunity to work in community-based organizations in different part of the country. I now work for Jobs With Justice, a national network of local community groups, unions, faith and student groups in thirty-six cities around the United States. Through this work I have seen first-hand the many challenges workers wrestle when trying to report and fight labor abuse. The proposed USCIS Tip Form would present a very real reason for workers to be fearful to stick their neck out for fear that the form could be used in as a weapon of retaliation. The knock on affects of the fear and suspicion created by such a form will make it harder for labor and other law enforcement agencies to get immigrants to come forward and cooperate with investigations.  I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. I have seen how a retaliatory threat by a low road employer to call the existing HSI tip line has made it impossible to get an undocumented worker to report abuse to authorities. Because the HSI system is open for unsubstantiated claims the mere threat made by a bad boss is frightening enough to stop a worker from reporting wage theft or unsafe work conditions. The creation of this new system at USCIS not only creates redundancy of a flawed system, it will also make it harder for other workers to come forward and report abuse. Even if a worker is authorized they may have pending USCIS adjustments that may be fearful of compromising, so it will mean that whole new groups of workers will be vulnerable to threats of retaliation. Because enforcement of our labor law system is largely complaint based this is hugely important. We know that whenever we cannot get a worker to report abuse it increases the likelihood that another worker in that industry will fall victim to exploitation or abuse. And we also know that it makes it easier for low road employers to undercut other businesses in their industry. This potential for this USCIS Form to be abused by bad employers will hurt all workers, regardless of immigration status, because it will make some workers more vulnerable and aid in the race to bottom. II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. The overburdened USCIS system has meant that people who legitimately apply for immigration protections such as U and T visas can face unattainable waiting periods. As an advocate this can make it difficult to recommend that someone come foreword as the victim or witness to extreme types of labor abuse, because it means putting a person who has already suffered trauma into a system that long wait times leaves them in risky situations. The proposed USCIS form will misuse resources and create another reason that victims will have to wait in limbo and that law enforcement agencies will lose cases base purely attention of witnesses. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”8 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”13 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. VI. Conclusion The publication of the USCIS Tip Form should not move forward because it creates additional hardship for immigrant communities, vulnerable individuals, and the people they work alongside everyday. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 278** | **Commenter: James Mcglinn** |  |
| **4/16/2019** | I am opposed to the Tip Form because it would enable persons to accuse others of fraud anonymously. Their accusations could be made for personal reasons and not because they have evidence of fraud. This Tip Sheet can have the effect of spreading hatred among people. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 279** | **Commenter: Julia Brown** |  |
| **4/16/2019** | I urge you to withdraw this proposed tip form. The immigrant community already faces enormous amounts of hate crimes and racial profiling. Additionally, the government provides the public with numerous ways of reporting suspected fraud. By making this form anonymous, anyone who has anything against an immigrant can cause them a lot of trouble just because. This proposed form also puts vulnerable domestic violence and human trafficking survivors at grave risk because their abusers and traffickers will use this to exact revenge against survivors or to threaten victims who wish to go to the police. This form is against our values as Americans. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 267** | **Commenter: Reagan Carter** |  |
| **4/16/2019** | I am writing on behalf of in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  USCISs primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.   According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBIs own admission. Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally. These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.   The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud.  I work on a University campus where academic and scientific research is performed. Research relies on the cooperation and collaboration with the national and international community.The USCIS tip form would cause many researchers to rethink collaboration with fellow scholars in the United States, causing much harm.   Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years. Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families.   Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an other category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.  USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits.The form also provides no definition of fraud, which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.   The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report.Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations.   USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports.  I stridently oppose the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 276** | **Commenter: Marco Mejia** |  |
| **4/16/2019** | YES on HB 2015   HB 2015 would have a tremendous impact on the communities we serve. Access to a license to drive has been a primary need for immigrant Oregonians for over a decade. The ability to drive legally is a core everyday need for many Oregon families as people take their kids to school, commute to work, and take care of family and neighbors in need. Excluding Oregonians from the ability to apply for a drivers license because of their citizenship status puts our neighbors at risk and makes it harder for them to care for themselves and build a better life for their families.  HB 2015 upholds Oregon values of fairness, looking out for our neighbors, and treating others as we would want to be treated. In Oregon we believe in welcoming others, including those who may seem different, and building those bridges of understanding. While we might disagree about how to fix our complex and broken immigration system, we can all agree that our immigrant friends and neighbors shouldnt be separated from their families over a traffic stop.  This bill would make our communities and roads safer. Allowing all Oregonians, regardless of citizenship status, to apply for a drivers license by passing a written safety exam and drivers test and provide proof of identity and insurance makes Oregon roads and communities safer for everyone. Currently, 13 states, including California and Washington, have laws similar to HB 2015. Multiple university and government studies have shown that in states with policies like the one Oregon is proposing, traffic accidents and hit-and-run incidents have decreased by as much as 10%i to 30%ii and the number of insured driver rates have increased significantly, making roads safer and saving millions in out-of-pocket expenses for drivers who are not at fault.  For these reasons, we support HB 2015 and encourage this committee to pass it. Thank you for your consideration Sincerely, Marco Mejia, Portland Resident | **Response:**  Comment does not address changes to the information collection. |
| **Comment 268** | **Commenter: Patrick Podesta** |  |
| **4/16/2019** | This outrageous proposal reminds us of Nazi Germany. But perhaps those pushing it are proud of that. Those who are willing to face our history and our debt to marginalized people will win. | **Response:**  Comment does not address changes to the information collection. |
| **Comment 277** | **Commenter: Marco Mejia (2nd comment)** |  |
| **4/16/2019** | On February 15, 2019 the Department of Homeland Securitys U.S. Citizenship and Immigration Services (USCIS) published a proposed form for notice and comment to collect information from the general public regarding purported immigration fraud. The publication of this form signals another dangerous and insidious shift in USCISs transformation from an agency serving immigrants and adjudicating their applications into an enforcement agency working in tandem with Trumps deportation force. Inviting the public to submit unsubstantiated reports of fraud about individual immigrants is a demonstration of deep cynicism about our immigration system and fulfills the Trump Administrations racist agenda of casting immigrants as suspect and criminal. It promotes xenophobic and hateful behaviors and hate crimes making our communities unsafe and divided. I oppose the USCIS Tip Form | **Response:**  The authority of USCIS to collect information relevant to immigration matters derives from the authority of the Secretary of Homeland Security to administer laws relating to immigration and naturalization, as stated in INA § 103(a)(1), 8 U.S.C § 1103(a)(1), authority which has been delegated to USCIS. *See* Department of Homeland Security, Delegation to the Bureau of Citizenship and Immigration Services, Delegation Number 0150.1 (June 5, 2003).  Matters relevant to possible immigration fraud fall within that authority.  Nonetheless, USCIS has also been delegated certain law enforcement authority by the Secretary of Homeland Security.  The relevant delegation states in pertinent part, “Subject to my oversight, direction, and guidance, under Department of Homeland Security Delegation Number 0150.1 I have delegated to the Director of USCIS the authority:  In matters under the jurisdiction of USCIS, when necessary to protect the national security and public safety, to conduct law enforcement activities, including but not limited to accessing internet and social media content using a fictitious account or identity, provided that such activities shall only be conducted by properly trained and authorized officers, and in a manner consistent with the Reservations set forth in Department of Homeland Security Delegation Number 0150.1 and consistent with the Department’s obligations to protect privacy and civil rights and civil liberties.” Department of Homeland Security, DHS Delegation Number 15002 (January 13, 2017). |
| **Comment 272** | **Commenter: Jason Gromley, Share Our Strength** |  |
| **4/18/2019** | Dear Ms. Deshommes: Thank you for the opportunity to comment on the proposed new collection of information form from U.S. Citizenship and Immigration Services. Share Our Strength is a national organization working to end hunger and poverty in the United States and abroad. Working with elected officials, corporate leaders, educators and nonprofits, we connect families to effective nutrition programs that provide kids with the food they need to grow up healthy, educated and strong. It is in the spirit of this mission that we write in strong opposition to the proposed information collection form. Beyond duplicating current systems, the proposed form violates the privacy and security of millions of legally present immigrant families and children. USCIS currently has a system in place to track, detect and adjudicate immigration benefit and fraud issues, and does not need to create a new form that would negate the privacy and confidentially protections that state and federal laws afford to all persons.  The proposed information collection form would allow the public to make unsubstantiated and unwarranted allegations of immigration fraud against any immigrant and American perceived to be an immigrant. In reality, the proposal would only serve as a mechanism for surveillance of families. Furthermore, the form’s broad nature would invite damaging racial profiling against scores of people. As a whole, the proposed form would endanger the privacy, safety and security of public spaces and access to essential social services such as nutrition, health care and education that individuals are legally eligible to receive.  The current safety net programs verify the eligibility of all individuals who are receiving or applying for benefits. The existing system also includes the essential opportunity for due process to appeal decisions that result in the loss of access to programs that families are legally eligible to utilize. Unlike the existing system, the proposed form has criteria or guidelines for submitting allegations of fraud, nor any clear definition of what constitutes “fraud.” The proposed tip form opens the door for abuse by individuals seeking to harm or intimidate suspected immigrants. In 2016, more than 10 million U.S. citizen children were living with at least one noncitizen parent. 1 This proposed form further marginalizes immigrant parents and endangers access to programs that are vital for kids to grow up healthy and strong. We know that non-participation in vital health and nutrition services can impede the healthy development and long-term wellbeing of children. The net effect of discouraging participation in programs for which citizen children and legally present immigrants are eligible for is that hunger, food insecurity, and poverty will likely increase among families and children. Beyond the health effects of this proposed form, the form undermines the long-standing sense of safety and security of our schools: places where all children learn, play and can access nutritious school meals without fear or judgement. Therefore, we urge USCIS to withdraw this harmful proposal that would put the health and well-being of children and families at risk. Congress must deliberate sweeping policy proposals of this kind by fully examining the intended and unintended consequences. Finally, we would like to encourage USCIS to pursue evidence-based policies and practices that remove barriers to effective community integration and participation in critical social services. By working together, we can end childhood hunger in our country and ensure that every child has access to the nutrition they need to grow and thriveno credibility | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment 260** | **Commenter: Jacqueline Schicker** |  |
| **4/18/2019** | It is immoral and dangerous to illicit information from citizens regarding legal assessments of ones neighbors. Lay people are not qualified to assess another residents status and false reporting could result in imprisoning and harassing individuals who are proven to be living within the law. It is unconscionable that we are considering moving back to something resembling McCarthy Era surveillance of one another. It is unAmerican to so seeds of resentment for new comers and those who may be different from oneself.  Pushing for layperson surveillance and reporting of suspected violations of visa regulations and requirements (with no legal basis and thus without any burden of proof on the accuser) could increase hostility towards immigrant families and their US-citizen children. Implementing such a policy would be xenophobic and poor for the American economy. Many immigrant families are a vibrant part of the US economys stability and their forced removal could lead to disastrous economic results. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 269** | **Commenter: Sarah Dan on behalf of the California Immigrant Policy Center** |  |
| **4/18/2019** | Dear Ms. Deshommes: I am writing on behalf of the California Immigrant Policy Center in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. CIPC was founded to respond to the 1996 passage of federal immigration and welfare laws that profoundly affected immigrants. We have a twenty-year history of advocating for inclusive public benefits policies that support the wellbeing of immigrant communities. Today, CIPC advances inclusive policies that build a prosperous future for all Californians, using policy analysis, advocacy and capacity building. This form is unnecessary and unlikely to produce any positive outcomes for the American people. I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.6 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators. III. The USCIS Tip Form violates due process A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”8 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”13 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. VI. Conclusion CIPC strongly opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Sincerely, Sarah Dar, MPH Health Policy Manager California Immigrant Policy Center | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 261** | **Commenter: Suzanne Tomatore, The City Bar Justice Center (CBJC)** |  |
| **4/18/2019** | Re: Public Comment Opposing Form G-1530: USCIS Tip Form OMB Control Number 1615–NEW, Docket ID USCIS-2019-0001 Dear Ms. Deshommes: I am writing on behalf of The City Bar Justice Center in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. The City Bar Justice Center (CBJC) delivers free legal assistance to low-income, disadvantaged New Yorkers by harnessing the volunteered expertise and time of the private bar. Its Immigrant Justice Project, one of CBJC’s ten core projects, was founded in 1996 in response to the federal Violence Against Women Act to address domestic violence cases, and, since 2002, after passage of the Trafficking Victims Protection Act of 2000, has expanded to include representation of trafficking victims and immigrant victims of other violent crimes.  I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits1 , while the intent of this form is to report alleged immigration fraud or to report suspected undocumented immigrants. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line. Creating another avenue to invite the public to submit unsubstantiated and anonymous reports of fraud about individual immigrants not only creates unnecessary redundancies but also creates significant harm to immigrant communities and increases potential government costs of having to report on and investigate unsubstantiated reports of fraud. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.2 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased government scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. This form will also disproportionately affect survivors of domestic violence, trafficking and other crime victims, who will be less willing to contact law enforcement to report their victimization. This form will create a broader climate of fear that affects public safety for everyone, not just those individuals living in immigrant communities but their friends, families, classmates and neighbors more broadly if crime victims are less willing to seek assistance from law enforcement due to increased fear of being reported to ICE.  II. The USCIS Tip Form Misuses USCIS Resources Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has slowed application processing in the past two years.3 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Our clients are now waiting more than 4 years to receive a decision on their I-918 U nonimmigrant status applications, more than 2 years on I-360 applications under the Violence Against Women Act, and more than 9 months for certain categories on form I-765 Employment Authorization applications. Agency efficiency could be increased if more resources were put into adjudicating applications like these which put people into lawful status. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.  III. The USCIS Tip Form raises due process concerns A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications. B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. After 9/11, the City Bar Justice Center had a client who was falsely reported by her abuser to be a “terrorist” and he called the FBI Joint Terrorism Hotline to report her although he had no actual evidence. It was a part of pattern of his stalking, abusing and terrorizing the client. She was terrified and his report took valuable time and resources away from actual cases where government time and energy should have been focused. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.  IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”4 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.5 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.6 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”7 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.8 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”9 CBJC staff worked with a young victim of human trafficking who was abused by family members. Her step-sister and trafficker stalked and abused her for years. The trafficker took out an order of protection against her in Family Court, then managed to change the client’s address to her own. When a biometrics notice was issued on her pending I-914 application for T nonimmigrant status, the trafficker appeared at the appointment likely with the intention of calling the police on my client for violating the order of protection. Thankfully, the Family Court case was dismissed and the client was not arrested.  Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. VI. Conclusion The City Bar Justice Center opposes the publication of the USCIS Tip Form for the reasons discussed above. Because it raises serious legal issues and it creates additional hardship for immigrant communities and vulnerable individuals, USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. Respectfully submitted, Suzanne Tomatore Co-Director, Immigrant Justice Project Lynn M. Kelly Executive Director | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 273** | **Commenter: Elizabeth Kroboth** |  |
| **4/18/2019** | Dear Ms. Deshommes:  I am writing to voice my strong opposition to the publication of this tip form.   As a public health researcher, advocate, and educator, I firmly believe the implementation of this form would threaten the health and well-being of immigrants and their families. Already, the FBI has reported that members of immigrant communities including those from the Middle East and South Asia are facing heightened harassment and violence. This form could provide a new platform for existing anti-immigrant and anti-Muslim sentiment in a way that could materially harm immigrant families -- by taking away their benefits and exposing them to unwarranted scrutiny and surveillance.   I am also deeply concerned that this form may be used by individuals who have abused, or are currently abusing, intimate partners or family members. This form could be used as a tool to threaten loss of benefits to a partner or family member that perpetrators seek to control, or use it to punishment former partners or survivors. It's for this reason that the Violence Against Women Act (VAWA) prohibits adverse determinations against survivors of violence based solely on information provided by a perpetrator. Unfortunately, no such prohibition has been announced in relation to this form.  Thank you for hearing my concerns. I urge you to cancel the publication of this form. | **Response:**  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system. Thus eliminating the need for manual entry and saving time.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367. |
| **Comment 280** | **Commenter: Anne Marie Wolf** |  |
| **4/18/2019** | I strongly oppose this form, and I am actually surprised it would be legal in the first place.  It is extremely concerning that in an atmosphere of heightened white supremacist hatred and violence, our government would be offering the public a way to harass and intimidate people from immigrant communities, who will invariably be targeted. People who are Middle Eastern, South Asian, Muslim, or Hispanic will certainly face even more bigotry than they already do, and one suspects that that is the goal. I absolutely reject that as a goal that our government should be pursuing.  Among the reasons this form would be problematic is that it does not require any substantiation of a claim against someone, does not even require that the allegation be related to any claim of benefits, and even allows people to make anonymous claims. Any system that works with so little transparency is bound to be abused -- by perpetrators of domestic violence who wish to make their victims more terrified and perhaps more dependent on them (afraid to leave the house for fear of being reported for fraud in some bogus claim), by hateful neighbors, by work colleagues resentful of someone else's promotion, by teenage bullies. The person accused of abuse would then have no way to learn who was making these accusations or to refute them. As we all know (right?), it can be impossible to prove a negative. So this form violates and mocks any sense of due process.  This process, as allowed in this form, reminds me of some of the main mechanisms by which the Inquisition used to work in early modern Spain. Accused were not told who had accused them or even what exactly the accusation was. The system was used, historians now know, for neighbors to settle grudges and rivals to neutralize their foes. It is inconceivable to me that our government would want to institute a system that would so clearly violate basic rights to due process and so clearly invite (even inspire) hateful people to intimidate and threaten innocent people. It is shameful to me, as an American, that such a thing is even being considered. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment 281** | **Commenter: Anonymous** |  |
| **4/18/2019** | Dear Ms. Deshommes:  I am writing to voice my strong opposition to the publication of this tip form.   As a public health worker, I firmly believe the implementation of this form would threaten the health and well-being of immigrants and their families. Already, we have seen an increase in harassment and violence towards immigrant communities of diverse backgrounds. I fear that this form will add to this problem, it may be used as a weapon of initimadtion towards immigrant communities. This form is divisive and against everything I believe we should stand for as a country. I oppose the publication of this form. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 274** | **Commenter: Kris Bifulco** |  |
| **4/18/2019** | I am writing in strong opposition to this proposal as it will further endanger communities across the country. There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.   I'm also concerned that we have seen an increase in hate crimes against Muslim, Arab, Iranian, Middle Eastern, South Asian, Hispanix and Latinx communities, as documented by the DOJ and FBI (https://ucr.fbi.gov/hate-crime/2017/topic-pages/incidents-and-offenses ; https://www.nytimes.com/2018/11/13/us/hate-crimes-fbi-2017.html ; at https://www.philly.com/philly/living/rising-hate-drives-latinos-and-immigrants-into-silence-20180822.html ). These incidents are already underreported, and to see a rise in numbers means things are going seriously wrong. I am concerned that making this Tip Form available to the public will see a rise in reporting based more on bias and bigotry than truth.  Because of this, I think there would be a tremendous waste of resources in implementing this line. Focusing on fraud investigations (especially ones that are untrue) takes away time and energy from USCIS's application processing for benefits. This ultimately harms many more families than it helps. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an other category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.  Anonymous reporting encourages misuse. The process honestly feels like modern-day McCarthyism, and I sincerely hope that we as a country have moved on from that. It has not been made clear how false reports would be handled, as there is no way to follow up with the reporter. This enables one person to report many unsubstantiated claims with no deterrent to their behavior. This too contributes to wasting of resources and may violate due process.   Anonymous reporting also opens the doors for misuse in cases of domestic violence, as a common tactic used by abusers is to threaten to call immigration enforcement to have undocumented survivors arrested or deported. There are special protections in the Violence Against Women Act (VAWA) that allow survivors of partner violence to seek protection without fear of deportation. Its unclear to me how this Tip Line accounts for that and how survivors can be ensured their rightful protections. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrators household or family member. These protections, codified at 8 USC 1367 are designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims. These protections are incredibly important to survivors of violence, and we cannot allow them to be undermined, cheapened, or become void. To do so is unjust.  I urge you to withdraw the USCIS Tip Form and work on developing other policies and procedures that do not threaten immigrant communities. The Tip Form is a massive waste of resources that threatens access to critical immigration benefits, and may violate several protections we have put in place to take care of our people. Any movement forward on this is wrong. Please do the right thing. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 256** | **Commenter: Katherine Schaff** |  |
| **4/18/2019** | I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019. I have worked in public health for over 15 years, earning my masters and doctorate in public health from UC Berkeley. My work has focused on working hand in hand with communities to ensure all communities have what they need to be healthy and thrive—such as access to healthcare, affordable housing, safe places to work and play, quality schools, and more. The public health evidence is unequivocally clear that when we think holistically about health and ensure that everyone has what they need to be healthy, we all thrive. Our neighborhoods and communities are safer, people can live to their full potential, and our social fabric is stronger. All of our communities are connected. When our neighbors, families, and community members are healthy, it helps all of us thrive and reach our full potential.  When we use racist, xenophobic rhetoric and policies to target members of our community—our neighbors, healthcare workers, teachers, friends, families, and the many other roles immigrants play in our community—we all suffer as we fray our own social fabric that holds us together and creates the supports we need for health. I am constantly outraged and dismayed at this federal administration’s blatant disregard for the public’s health and the majority of the nation. The obvious and overt racism will go down in history as one of the most tarnished eras of our country. We only need to look at Nazi, Germany to see how systems that were set up to facilitate neighbors reporting on each other escalated into genocide. This is what your office is currently proposing. It is horrifying and in decades to come, those involved will be thought of in the history books in a similar way to the architects of similar policies in fascist regimes throughout history. More specifically:  I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process  USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.1 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.2 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.  According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.3 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, particularly in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.4 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.5 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.  The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. We know that these  Fear is already creating a chilling effect with detrimental public health impacts The federal administration’s rhetoric and policies are already having a negative impact on the public’s health. If your office moves forward with creating a tipline, it will do so with full knowledge that this will create sicker, shorter lives for members of our community. Bluntly, this escalating racist and xenophobic rhetoric, including encouraging neighbors to turn on each other, will lead to public health harms that cause death Proposals like the tipline and the proposed expansion of the public charge rule create a climate of fear and have a chilling impact on people’s use of essential health and nutrition programs that they are legally able to access. These programs have demonstrated, evidence-based positive public health impacts for not just the individuals touched by the program, but also by their families, communities, cities, and the country. When children are able to receive nutritious breakfasts, lunches, and dinners, or a family has a safe place to sleep at night, they are able to pour their energy into the things that make this country strong: helping neighbors, going to school, working to support their families, and more. When a mom is afraid to access these services because a neighbor or coworker might report her for fraud, her children will go hungry and without medical care. Critical developmental milestones will be missed, and this has impacts into adulthood and for the child’s children as well, as this level of trauma and health harms are passed on through multiple generations. Creating a tipline is knowingly sentencing children to face unnecessary health problems that will have devastating and lasting impacts. The fear is already creating health harms that will ripple throughout our communities and over time. If the tipline is implemented, the public health impacts will become even more severe. The proposed changes are discouraging millions of people from accessing these vital services and support they are eligible to utilize. For example, according to an amendment to Alameda County, California’s, 2017 Legislative Platform, a qualitative study recently conducted by the Bay Area Regional Health Inequities Initiative and the Public Health Alliance of Southern California surveyed staff throughout California public health departments in an attempt to assess the impact of the political environment on immigrant client well-being. Of respondents in Northern California, 25% reported witnessing or hearing about drops in program utilization or participation due to new immigration and refugee policy, enforcement, and even public discussion or rumors on this topic, since the elections of November 2016. Even without action on any specific policy, 56% of respondents noted that clients are afraid to continue to sign up for public programs or services, and more than half noted increased fear, stress, and mental health challenges. Even if there is currently little potential harm to the immigrant client in accessing public services, the fear elicits harm through diverting individuals and families from the support they need. Additionally, a 2018 article in Health Affairs, Ponce et al. describe how, “Advocates have started collecting early evidence of a ‘chilling effect’ due to the reports of the potential regulation, with immigrant families dis-enrolling from these programs, not showing up for health care appointments, and otherwise being afraid to access vital services that can support the health and well-being of their families.”  Researchers report that immigrants’ use of health, nutrition, and social services could decline significantly with additional racist policies and rhetoric. With such a large number of our U.S. population potentially dropping out of needed health services because of fear, this will clearly have impacts that extend beyond the families that are targeted. We cannot achieve universally agreed upon public health goals, such as reducing chronic diseases throughout the U.S., when we directly or indirectly deny large segments of our population the very building blocks they need for good health. When large segments of our population cannot access the services they need to be healthy, it will negatively impact all of our communities. II. The USCIS Tip Form Misuses USCIS Resources 4 Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.7 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.  III. The USCIS Tip Form violates due process  A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications.  B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability. IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”8 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.9 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.  Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.10 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”11  This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.12 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”13 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC 1367. The obligations of 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form.  V Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. V  Conclusion I stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals and threatens our nation’s health and wellbeing. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 270** | **Commenter: Karlo Ng, National Housing Law Project** |  |
| **4/18/2019** | Dear Ms. Deshommes: I am writing on behalf of the National Housing Law Project (NHLP) in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  NHLP’s mission is to advance housing justice for poor people and other marginalized communities, including immigrants and their families. The proposal to implement the new USCIS Tip Form would further embolden unscrupulous landlords that already use the threat of reporting tenants’ immigration status to illegally coerce immigrant tenants to pay higher rents, evict tenants, and to comply with unwanted sexual advances.1 The proposed form would jeopardize immigrant families’ housing stability and place them at risk of homelessness, which could negatively impact their employment, education, health, and ability to otherwise be self-sufficient. We urge that the Tip Form be withdrawn in its entirety.  I. The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process  USCIS’s primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits.2 Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes.3 There are already existing mechanisms for collecting information about fraud, e.g. through the HSI Tip Line, which already operates with questionable effectiveness. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities. According to the Department of Justice, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus.4 For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian communities face targeted harassment and violence at alarming rates, especially in the last few years, like many other communities of color and immigrant communities. Recent reports from the Federal Bureau of Investigations (FBI) show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence, and these numbers are severely underreported by the FBI’s own admission.5 Similarly, the FBI reports that hate crimes against Hispanics and Latino communities have risen nationally.6 These incidents are also underreported, due to an increased fear of reporting racially motivated crimes and incidents to law enforcement.7 The implementation of the USCIS Tip Form permits unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, and creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without any due process that could enable them to refute allegations of fraud. Landlords are already using tenants’ immigration status to retaliate against who try to exercise their legal rights as tenants.8 The proposed form will provide landlords an easy and anonymous avenue to exploit tenants that are already vulnerable tenants.  II. The USCIS Tip Form Misuses USCIS Resources  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of benefits. USCIS has radically slowed application processing in the past two years.9 Complicating the adjudications process with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and a lack of transparency will harm applicants and their families. The proposed form will likely lead to increased false reporting by landlords. Landlords are often unfamiliar with the complexities of immigration law in this country, and are not in a position to be making legal determinations about people's immigration status. Many will likely act on perceived immigration status by relying on racial profiling. Investigating these false reports will cost USCIS valuable time and resources. Not only is such reporting and targeting unjust, it is also a waste of government resources to focus on claims that have no relevance to fraud or abuse. Moreover, by creating an “other” category, USCIS is opening its reporting to claims with no connection to fraud, instead creating yet another avenue for bigotry and harassment with serious consequences for individuals, communities of color, and government administrators.  III. The USCIS Tip Form violates due process  A. The USCIS Tip Form is overbroad and vague USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. The form also provides no definition of “fraud,” which has a complex definition under the Immigration Act and in case law. Additionally, it is unclear how the information collected through the USCIS Tip Form will be used in adjudications B. Anonymous Reporting Encourages Misuse The proposed USCIS Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. Furthermore, the failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.  IV. The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors at Risk  The USCIS Tip Form provides abusers and perpetrators of crime an anonymous tool to weaponize the immigration system against survivors, without consequence or repercussion. This is extremely problematic and dangerous, as “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”10 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.11 To combat this, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation. These provisions were critical for one survivor, Tatyana who came to the U.S. as a “mail-order bride,” to escape her abusive husband, who had actively prevented Tatyana from seeking a lawful immigration status in order to control and abuse her.12 The proposed form would add another tool to the arsenal of abusers that are already adept at navigating the legal system to enable their abuse. Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not to make adverse determinations based on information solely provided by an perpetrator or a member of a perpetrator’s household or family member.13 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”14 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief. These protections are in place regardless of whether an application for immigration relief is pending with USCIS.15 DHS’s own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”16 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5,000 per violation under 8 USC 1367.  The obligations of 1367, which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form. V. Information Sharing and Lack of Accountability The USCIS Tip Form appears to allow any and all unsubstantiated information provided to be shared liberally with other law enforcement agencies, including Immigration and Customs Enforcement. USCIS has not provided any direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. VI. Conclusion The National Housing Law Project stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. If you have questions, please contact me at kng@nhlp.org. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 275** | **Commenter: Dennis Wall** |  |
| **4/18/2019** | The idea of an unsubstantiated form for complaints about anyone is unworthy of us, and also unworthy of you.  This is beyond the authority of USCIS. Moreover, it must be supported by evidence if this form is published at all.  Thank you for your consideration. | **Response :**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |
| **Comment 264** | **Commenter: Jewel Murphy** |  |
| **4/18/2019** | I'm writing to add my voice to the loud chorus of people opposing Form G 1530 - the so called "tip form".  We already have mechanisms for people to report crimes in this country. We don't need this kind of anonymous reporting in our country. It can be subject to abuse and it encourages harassment and intimidation of people of color and other marginal groups. Let's focus more on helping those poor souls fleeing danger and seeking safety in the what used to be welcoming arms of our great nation and let's focus less on being a police force that goes after people based on anonymous tips. Our nation is better than that. We don't need this form.  Jewel Murphy Eugene Oregon | **Response:**  Comment does not address changes to the information collection. |
| **Comment 263** | **Commenter: George Dessert** |  |
| **4/18/2019** | I urge the U.S. Citizenship and Immigration Services to reject implementing the proposed USCIS tip form, on which anyone could anonymously give information about suspected immigration fraud, whether or not there is a basis.   I worked for several months in what was then the Soviet Union and saw the very serious harm that such a system of informing did to families, friendships, and society. Believe me, it was terrible, and not something we should in any way pursue here in the U.S. It is contrary to our best traditions and aspirations as a society, and can only lead to suffering and terrible cynicism. It would damage life in workplaces, neighborhoods, and destroy families. Please reject the tip form.   Sincerely yours,  George Gessert | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 271** | **Commenter: Judith Arielle Fiestal** |  |
| **4/18/2019** | I am a 69 year old US citizen and am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  This proposal is horrendous and will only make our communities less safe, raise insecurity among our disenfranchised members of our community, and poses a threat to US democratic values. Proposing that ANYONE can anonymously use this Tip Form with no proof of accusation is reminiscent of Nazi policies under the third reich. As a jewish individual this policy is a chilling reminder of those days. It also is reminiscent from what I experienced when I visited Cuba, as to the fear that individuals had of their neighbors because of these types of policies that makes us suspicious of our neighbors.  There is nothing about this policy that will make our communities safer. There is nothing about this policy will add to the security of the US. As an elderly woman, this policy terrifies me. I urge USICIS to disavow this proposal and truly regain the greatness of our country by extending our rights to transparency and knowledge of our accuser to all who live within our country. This policy will only empower the racists and bigots to make unwarranted accusations against their community members without risk to their own personal welfare of unveiling their identity. This is a dangerous policy. I urge the USICIS to rebuke it.   USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence. |
| **Comment 266** | **Commenter: Kathryn Gordon** |  |
| **4/18/2019** | I am very opposed to the tip form proposed. There are other ways to deal with immigration fraud. This type of informing lends itself to overt racism. People will be inclined to report someone just because of the way that they look. It will only further alienate people who happen to have brown skin.   I strongly urge this not to be signed into law. We need to be working toward embracing immigrants who are in our midst, and who fill vital jobs that others would not do. This kind of overtly racist rulemaking will only drive us further apart. | **Response:**  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system. Thus eliminating the need for manual entry and saving time.  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment 259** | **Commenter: Linda Griebsh** |  |
| **4/18/2019** | I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  I am the child of immigrants who became citizens and were productive members of this country. All four of their children have also contributed to the well-being of our society. USCIS should withdraw this Tip Form immediately for the following reasons: The Tip Form would 1.Threaten immigrant communities; 2. Waste resources; 3. Undermine due process; and 4. Delay access to critical immigration benefits, placing a burden on US communities and on immigrants.  1. The Tip Form is a clear threat to immigrant communities. It would be a perfect tool for anti-immigrant hate groups and/or individuals. Thus, it would have little additional practical utility, since many unsubstantiated reports could be filed. It would not add to information quality, clarity or utility. There is no accountability with these actions and history has proven that this perverse tactic undeniably results in further injustices against everyone, immigrants or not. It will harm the most vulnerable of this already vulnerable population victims of sexual trafficking, victims of domestic and sexual violence, and indigent and/or uneducated workers. Abusive partners and employers will use this as a method of keeping these populations oppressed. It gives hate groups an avenue to marginalize and intimidate those different from themselves. Also, this kind of proposal contributes to the erroneous presumption of massive amounts of fraud in the immigration process even though all evidence shows the contrary is true.  2. The Tip Form is a waste of resources. First of all it is redundant, as the HSI tip line already exists. Secondly, this is adding a new task to the already overburdened and slow moving USCIS and is unrelated to their duty of appropriately providing benefits to immigrants. Rather than relieving the backlog, this proposal will exacerbate it by inhibiting efficiency and prioritizing immigration enforcement over the administration of legal immigration benefits. This plan to use this form is not necessary for the function of the agency and will create a path for misinformation that could lead to abuses of human rights. In addition, it will require investigation of many unwarranted claims. This action is totally unnecessary given the very low incidence of fraud among immigrants enforcement offices that already have jurisdiction and can detect and stop fraud better than USCIS.  3. The Tip Form will undermine due process. This is not just about the rights of US citizens, but about violating human rights and the values of common decency. Public citizens can use this form to carry out vendettas based on bigotry and for other invalid reasons. It is unconstitutional to detain or search a person based upon race, religion, accent, or language, but the Tip Form allows members of the public to submit complaints against neighbors for any reason without being subject to perjury laws. In fact there is no accountability or consequence at all for unintentional or intentional errors. The public has no way of knowing where a person is in the immigration process or if they are complying with the rules or not. Yet they can file anonymous complaints on someone without any knowledge of a crime or any understanding of the laws. It is particularly onerous that this form can be used against those who have already gained status, and subject them to manipulation, exploitation, and abuse. This is not how America works and will put us alongside of regimes such as Stalin, Hitler and other repressive governments.  4. The Tip Form will add another cause for the delay of access to critical immigration benefits. USCIS is already way behind in administering their duties of giving much needed benefits to immigrants. This puts a burden on many communities to try to fill in gaps for immigrants unable to get a work permit and access to housing. It puts unnecessary stress on the communities and on the immigrants and prevents them from contributing to our economy and society.  In conclusion, I respectfully request that you do not implement or use the USCIS Tip Form because in doing so you would create yet another avenue for bigotry and harassment with serious consequences for immigrants and the communities they live in and ultimately for the United States due to an unnecessary waste of taxpayer dollars; keeping USCIS from meeting their obligations; and encouraging citizens to engage in undemocratic and unconstitutional activities. | **Response:**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 262** | **Commenter:** Jessica Chicco, DOVE, Inc. (Domestic Violence Ended, Inc.) |  |
| **//2019** | Dear Ms. Deshommes: I am writing on behalf of DOVE, Inc. (Domestic Violence Ended, Inc.) to voice our strong opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.  At DOVE (DOmestic Violence Ended), we believe that all people have the right to live without fear of abuse. Since our founding in 1978, DOVE has expanded from a crisis hotline to a multiservice organization providing comprehensive direct services and support for victims of dating and domestic violence, as well as their children. DOVE works specifically with adults, teens, and children who have been abused, emotionally and financially, as well as physically and sexually. DOVE’s services include crisis intervention, danger assessment and safety planning, supportive counseling, emergency shelter, legal advocacy and representation, and community outreach, education, and training. Our efforts address the isolation and vulnerability faced by victims of domestic violence and the enormous emotional, psychological, and financial toll violence takes on victims, their children, and the community. During our 40-year history, we have worked with thousands of survivors of domestic violence and the comments below are based on our observations of the lived experiences of the survivors with whom we have worked.  The USCIS Tip Form Threatens VAWA Confidentiality and Puts Survivors At Risk  It is well-established that perpetrators of domestic violence use their victim’s vulnerable immigration status to intimidate and control and that “one of the most intimidating tools abusers and traffickers of immigrants use is the threat of deportation.”1 Abusers often threaten survivors that if they go to police or the court they will be arrested because they are undocumented, or threaten to call immigration enforcement to have survivors arrested or deported.2 Nearly all of the immigrant survivors that we serve share that they have experienced these types of threat. DOVE’s immigrant clients have consistently reported that their abusers have threatened to stop cooperating in the immigration process or to withdraw pending marriage-based petitions. Clients have also reported being threatened by their abusers, saying that if the victim dared to call the police they would turn the police against the immigrant victims.  To combat the use of immigration processes and immigration status as a form of manipulation and control by abusers, Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence to allow survivors to seek protection without fear of deportation.  Recognizing that perpetrators will try to manipulate legal systems against survivors, Congress also created confidentiality protections that mandate, inter alia, that the government not make adverse determinations based on information solely provided by a perpetrator or a member of a perpetrator’s household or family member.3 These protections, codified at 8 USC § 1367 are “designed to ensure that abusers and other perpetrators cannot use the immigration system against their victims.”4 This protection applies to abused spouses and children generally as well as to those who are eligible to apply for benefits as VAWA self-petitioner, or who are eligible for VAWA cancellation, U visa or T visa relief.  These protections are in place regardless of whether an application for immigration relief is pending with USCIS.5 DHS’ own guidance instructs: There are a number of ways DHS employees might receive “tips” from an abuser or an abuser’s family, such as: calling ICE to report the victim as illegal, a “landlord” (who may actually be a human trafficker) calling ICE to report that his “tenants” are undocumented, or providing information to USCIS rebutting the basis for the victim’s application. When a DHS employee receives adverse information about a victim of domestic violence, sexual assault, human trafficking or an enumerated crime from a prohibited source, DHS employees treat the information as inherently suspect.”6 Given USCIS's further mandate to protect domestic violence victims who have applied for benefits under VAWA, the lack of safeguards in the process to prevent submission of abusive information threatens statutory protections in VAWA. Furthermore, the form poses a risk to the government of liability for violations of the confidentiality provisions, which are punishable by civil and monetary penalties of up to $5000 per violation under 8 USC § 1367.  The obligations of § 1367 which Congress has consistently expanded over time, are enormously important to survivors of violence. It is unknown whether or how these protections have been taken into account in the proposal to publish the fraud tip form.  DOVE, Inc. stridently opposes the publication of the USCIS Tip Form as it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the USCIS Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine due process and access to critical immigration benefits. | **Response:**  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367. |
| **Comment 257** | **Commenter: Ricardo Diaz** |  |
| **4/18/2019** | I write in opposition of this tip line. I am surprised that this branch of government is replicating other forms of collecting information and that when it so much has been invested in creating a friendly agency, it now will be besmirched by making itself a reporting agency not for the behalf of making the system better.  What worries me most is that this tip line, while well intentioned, leaves the reporter to remain anonymous. In the first case, an anonymous report takes away responsibility of turning someone in (possibly causing a lot of work chasing false leads), but there is no way to correct or report back what happens to each tip. For mistaken or fraudulent tips/reports, the tip line would also need a reporting line because this there would be people tthat would  be ill intentioned and you end up with many false reports.  This would further erode the benefit of the tip line and of USCIS.  My last reason is one of reputation. USCIS has been known as a helpful agency; one that is informing and preparing people to change status. If the agency gets the reputation of "danger, " then less people will use it and thus be less effective in its core mission.  Thank you for your consideration. | **Response:**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  USCIS provides an applicant or petitioner an opportunity to review and rebut (e.g., via an interview or in response to a request for evidence or notice of intent to deny) derogatory information of which the applicant or petitioner is unaware before a final decision based on such derogatory information is made, provided an exemption does not apply (e.g., the information is classified). The applicant will have an opportunity to file motions or appeals if the application or petition is denied. Subject to the restrictions under 8 CFR 103.2(b)(16), USCIS will provide the applicant or petitioner an opportunity to address any adverse or derogatory information that may result from a USCIS compliance review, verification, or site visit after a formal decision is made on the case or after the agency has initiated an adverse action that may result in rescission or termination of the individual’s status. USCIS continues to provide individuals with access to their information through a Privacy Act or Freedom of Information Act (FOIA) request. Both U.S. Citizens and Lawful Permanent Residents are eligible to file a Privacy Act request to access their information. Individuals not covered by the Privacy Act or Judicial Redress Act (JRA) still may obtain access to records consistent with FOIA unless disclosure is prohibited by law or if the agency reasonably foresees that disclosure would harm an interest protected by an exemption. If an individual would like to file a Privacy Act or FOIA request to view his or her USCIS record the request can be mailed to the following address: National Records Center Freedom of Information Act/Privacy Act Program P. O. Box 648010 Lee’s Summit, MO 64064-8010 |
| **Comment 258** | **Commenter: Shih-In Ma** |  |
| **4/18/2019** | I strongly oppose the proposed Tip Form and urge that the proposed form be withdrawn immediately. Such reporting is a waste of government resources and will create yet another avenue for bigotry and harassment with serious consequences for individuals and communities of color.  1. The USCIS Tip Form permits unsubstantiated reporting to USCIS and creates a high likelihood that bias and bigotry will play a role in reporting.   The USCIS Tip Form is unnecessary and encourages the presumption of fraud in the immigration benefits process. USCISs primary function, as established by the Homeland Security Act of 2002, is to adjudicate immigration benefits. Over the last two years, USCIS has transformed into another immigration enforcement agency through its increased focus on fraud and the implementation of other sweeping policy changes. There are existing mechanisms for collecting information about fraud. Creating another avenue to invite the public to submit unsubstantiated reports of fraud about individual immigrants not only creates unnecessary redundancies but also significant harm to immigrant communities.   According to the DOJ, hate crimes continue to rise, particularly those motivated by racial, ethnic, or religious animus. Recent FBI reports show that Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence; hate crimes against Hispanics and Latino communities have also risen. These numbers are severely underreported, by the FBIs admission. This form gives people another government-sanctioned tool by which to submit unsubstantiated and unsolicited information to harass and intimidate immigrants and people of color without consequence. Reported individuals face increased scrutiny, surveillance, and potential loss of benefits without due process that could enable them to refute allegations of fraud.  2. The USCIS Tip Form is a Waste of USCIS Resources and Will Cause Additional Delays  Resources put toward vetting unsubstantiated tips from anonymous members of the public will take away from adjudication of immigration benefits and cause delays for families who have already been waiting for too long. USCIS has radically slowed application processing in the past two years. The well-being of many immigrant families depends on USCISs efficient adjudication of benefits requests. For instance, processing delays jeopardize the ability of individuals to work, leaving families without income for basic necessities. Rather than relieving the backlog, this proposal will exacerbate it by inhibiting efficiency and prioritizing immigration enforcement over the administration of legal immigration benefits. This proposal is another brick in the Trump administrations invisible wall curbing legal immigration in the United States.  3. The USCIS Tip Form is Overbroad and Encourages Misuse  USCIS fails to set any criteria for reporting fraud and there is no requirement that an allegation be made in connection with a pending application for benefits. USCIS has not provided direction on what types of information should be submitted nor provided a notice that a submission to this government system is subject to perjury laws. The form provides no definition of fraud. Additionally, it is unclear how the information collected through the USCIS Tip Form will be shared with other law enforcement agencies and used in adjudications.   The proposed Tip Form requests that individuals provide their name and contact information but does not require it to make a report. Thus, USCIS has no formal mechanism to follow up on allegations, and applicants for benefits have no opportunity to learn about derogatory information lodged against them or refute any allegations. Furthermore, USCIS has not provided any information how it will handle and respond to these anonymous tips. It is unknown what mechanisms are in place for USCIS to determine the validity of information provided by anonymous tips and to accurately assess whether they are impermissibly motivated. Without this information, it is unclear whether reported individuals will have any access to due process or any recourse against false reports. The failure to collect information from the person completing the form creates a likelihood that those targeting individuals based upon racism and bigotry will have the option of submitting numerous baseless claims with no accountability.   4. Conclusion  I strongly oppose the publication of the USCIS Tip Form because it creates additional hardship for immigrant communities and vulnerable individuals. USCIS should withdraw the Tip Form immediately and instead work on developing policies that do not threaten immigrant communities, waste resources, or undermine access to critical immigration benefits. | **Response :**  USCIS created Fraud Detection and National Security (FDNS) in 2004 in order to strengthen USCIS’s efforts to ensure immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud our immigration system.  In 2010, FDNS became a Directorate, which elevated the profile of this work within USCIS, brought about operational improvements, and enhanced the integration of the FDNS mission in all facets of the agency’s work.   FDNS officers are located in every USCIS Center, District, Field, and Asylum Office.  FDNS officers are also located in other government agencies. Today FDNS continues to lead the USCIS effort to ensure the integrity of the nation’s immigration benefits processes.  The Tip Form will replace the current method USCIS utilizes for accepting tips from the public, which is an email box found at <https://www.uscis.gov/report-fraud>. The form will automate the collection of data and will assist in providing guidance to the tipster as to what information is needed for FDNS to properly investigate allegations of immigration benefit fraud or abuse. Non-formatted emails now being received often lack the required data, such as biographical, type of benefit, etc., and thus are not able to be fully researched. The online form will prompt tipsters for this information and provide space for them to provide a summary of the alleged violation. The web form will assist in the processing of tips as the responses will be pre-loaded into the FDNS case management system, thus eliminating the need for manual entry and saving time.  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation.  The Violence Against Women Act includes provisions specifically intended to safeguard information relating to individuals who have been victims of human trafficking (T visa), domestic violence (VAWA relief), and other qualifying crimes (U visa), codified at 8 U.S.C. § 1367. Information collected through the USCIS Tip Form is subject to these provisions. This law prohibits DHS from disclosing information related to a protected individual with limited exceptions. This law also prohibits DHS employees from making an adverse determination of admissibility or deportability against a protected individual using information furnished solely by an abuser or perpetrator, among other restrictions. *See* 8 U.S. Code § 1367(a)(1). The USCIS Tip Form will not change existing procedures relating to the handling of tip information concerning individuals protected by 8 U.S.C. § 1367, or the handling of information relating to individuals protected by 8 U.S.C. § 1367.  The USCIS FDNS Tip Unit reviews the tips received to determine the quantity and quality of information received, and indications of possible immigration benefit fraud (i.e., marriage fraud, visa fraud, fraud relating to an individual’s identity, etc.). The vetting process, including a search of government systems to identify fraud leads or obtain additional identifying information, determines whether or not the tip is actionable. The Tip Unit also assesses the veracity of the tip during the vetting process. If the Tip Unit finds there are sufficient indicators and supporting information, the Tip Unit forwards the tip to the appropriate office having jurisdiction over the individual case (e.g., FDNS Division in the respective field office, Service Center, Asylum or RAIO Office), for further research, investigation, and possible administrative action. The receiving office performs additional, manual review and validation before determining whether an administrative investigation or other action is warranted. Any credible and relevant derogatory information which relates to an immigration benefit request (either pending or approved and currently held) received through the web form is a basis for USCIS to investigate and look into the matter further, consistent with existing FDNS procedures for handling fraud referrals. Tips found not to be credible or not actionable are closed without action.  Tips that are actionable and meet certain established criteria for further law enforcement action may be referred to U.S. Immigration and Customs Enforcement (ICE) and may be shared externally according to the Routine Uses established in the FDNS SORN and/or pursuant to existing information sharing agreements. |
| **Comment 265** | **Commenter:** Holly Scheider |  |
| **4/18/2019** | Dear Ms. Deshommes:  I am writing in opposition to the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS) proposal to implement the new Form G-1530: USCIS Tip Form, OMB Control Number 1615 - NEW, Docket ID USCIS-2019-0001, published in the Federal Register on February 15, 2019.   My grandparents were immigrants to this country, this country that aside from the native people, were all at one point immigrants. This Tip Form is unnecessary and encourages fraud in the immigration benefits process.  There is no accountability and especially in this climate of xenophobia in our country, this tip sheet will be used to unfairly target immigrants.   It is a misuse of USCIS resources and violates due process.  I oppose this new Form.  Sincerely,  Holly Scheider | **Response :**  All information obtained by USCIS is reviewed in accordance with a strict set of internal procedures intended to ensure that actionable derogatory information meets the standards for evidence established by the USCIS Administrative Appeals Office, the Department of Justice (DOJ), the Executive Office for Immigration Review (EOIR), and the federal court system.  Most of the information collected and maintained within USCIS systems is provided directly from immigration benefit applicants.  In addition, all USCIS forms notify the applicant and petitioner that information provided may be further verified and, in many cases, in-person interviews are conducted to ensure the accuracy of the provided information.  USCIS FDNS incorporates strenuous verification procedures to ensure accuracy of data before an immigration benefit decision is made by adjudications.  These procedures include direct queries of DHS and other government agency databases as well as USCIS interviews with applicants or petitioners.  Public source information is used to verify or identify inconsistencies with information provided by applicants or petitioners as part of their application for immigration-related benefits.  In any case where USCIS contemplates denial, rescission, or revocation of an immigration benefit based on evidence of fraud, the petitioner or applicant will be given an opportunity to review and rebut the evidence.  USCIS will not share information about applicants or petitioners who are the subject of tips with third parties, including those providing information via the Tip Form, except as allowed by law or regulation. |

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38. [↑](#footnote-ref-39)
39. *Id.* [↑](#footnote-ref-40)
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52. *Id.* [↑](#footnote-ref-53)
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65. *Id.* [↑](#footnote-ref-66)
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84. [↑](#footnote-ref-80)
85. Jason Boyd and Greg Chen, AILA Policy Brief: USCIS Processing Delays Have Reached Crisis Levels Under the Trump Administration, American Immigration Lawyers Association (January 30, 2019), available at <https://www.aila.org/advo-media/aila-policy-briefs/aila-policy-brief-uscis-processing-delays>. [↑](#footnote-ref-81)
86. [↑](#footnote-ref-82)
87. [↑](#footnote-ref-83)
88. [↑](#footnote-ref-84)
89. [↑](#footnote-ref-85)
90. *Id.* [↑](#footnote-ref-86)